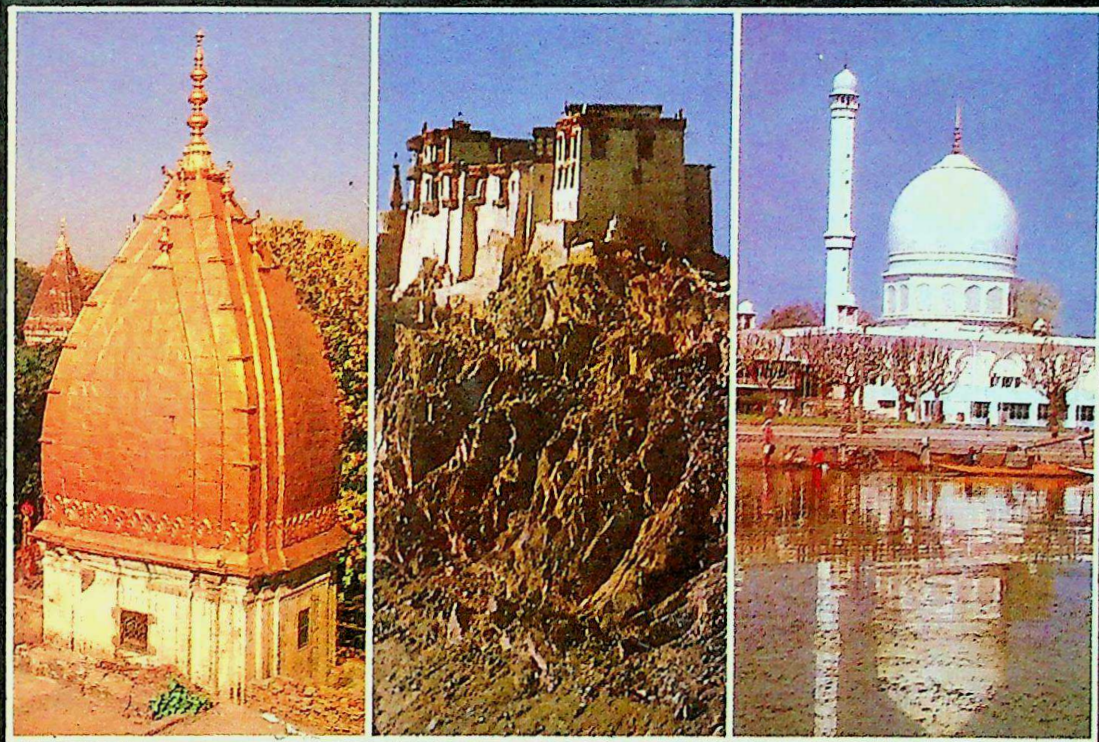


Gandhi Memorial College Of Education Bantalaab Jammu

KASHMIR

The Troubled Frontiers



Maj Gen (Retd) Afsir Karim, AVSM

with the

Indian Defence Review Team

Edited by

Capt (Retd) Bharat Verma

and

Manvendra Singh

KASHMIR

The Troubled Frontiers

This book traces the historical roots of the Kashmir problem and provides an overview of the entire state as it existed prior to the partition of the Sub-continent. Evaluates population composition, available human resources and the economy of the state, studies at micro level the various regions including POK and discusses the prevailing geographic, ethnic and religious divisions existing within.

The book presents the scope and intensity of the current turbulence, unbiased description of events and personalities, takes into account the Pakistani viewpoint and their quest for strategic depth. Further, assesses the military capabilities of China, Pakistan and India to alter the status quo and the value of Kashmir card for the USA.

Kashmir : The Troubled Frontiers explains the geo-political profile with emphasis on the strategic importance of J&K to the region. The independent and comprehensive analysis is the result of research by the *Indian Defence Review Team* with suggestions of bold and radical options. No apologies are offered and none asked for.

The idea of this book emanated from the Dr. Shyama Prasad Mukherjee Research Foundation and it gave a grant to facilitate the research.

Front cover :

Cover photographs : Raghunath temple, a monastery and the Hazratbal Shrine in Jammu, Ladakh and Srinagar.

KASHMIR

The Troubled Frontiers

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P R E F A C E

The story of Jammu and Kashmir since the accession of the princely state with the Union of India is a tale replete with failures and missed opportunities. Clichéd, but in this case it is justified because the clichés apply most eminently. The failings have been so patent that they appear to have become a matter of routine and can be traced back to the 1947-48 period, hence, from the very beginning of the current problem.

India's conduct of policy over Jammu and Kashmir is essentially an account of failings in statecraft and governance. Both ingredients, critical to the business of administering with a view to enhancing national interests, are in short supply in the story of Jammu and Kashmir. Statecraft and governance for a nation are as essential as water and air, and there are just no substitutes. If there were, then there would be no need to reserve seats in the Jammu and Kashmir Legislative Assembly for areas under the occupation of Pakistan. Any substitutes would have ensured that India would be in the possession of territories that it claims are rightfully its own, and which rightfully they are. It is only the absence of those two irreplaceable essentials which determined that India agreed to a ceasefire with Pakistan in 1948, thereby granting a legitimacy to its claims over Jammu and Kashmir. Had India taken the course of war to its logical end, Jammu and Kashmir, or for that matter even South Asia, would have been a very different story. It is on account of this prevarication and unwillingness that India is today saddled with a situation in which its territories are under the occupation of Pakistan and China. The loss of Aksai Chin to China in 1962 was only an outward declaration of a fact that had existed for some years. And that fact existed because India lacked the foresight that accompanies statecraft to realise its national interests. This

inspite of the lessons that should have been learned from the war with Pakistan more than a decade earlier.

This recurring feature in India's record on Jammu and Kashmir specifically and governance in general is the result of a personality rather than an institutionalised decision-making apparatus. This same practice was behind the associating of politics in Jammu and Kashmir with one man, Sheikh Mohammed Abdullah. Disastrous in itself, this compounded problems that are in some ways unique to the state. India accorded a special status to one person, created mechanisms of the state but without the political organism to sustain the developments in society. And all this in a state that was a recent and an artificial construction. Its three distinct regions, Jammu, Ladakh and Kashmir had separate processes of evolution over the centuries; not to mention the areas like Baltistan, Northern Areas and Mirpur. With such marked differences there have obviously been no shared historical experiences, each region continued to develop and remained separate. Unlike the rest of India which at some time or the other has experienced the structures of a state, Jammu and Kashmir had not for centuries. Society in the rest of India developed inspite of a strong or weak state and much migration took place. But Jammu and Kashmir, diverse in itself, had no such experience, and since 1947 the contributions from India have also not nurtured the union of the state with the nation.

A national identity is the epitome of taking allegiance and above all a vision of the self and society to the highest levels of commitment. For an individual the nation is the decisive and elevating experience of his identity. The nation defines his totality, a confluence and yet more than that, of all the components that go into making him. The identification with nationhood is sometimes a deliberate and, at most times, an unsolicited acceptance statement. This is true from the personal to the population level, and is governed at various times by varied influences and urges. What, however, remains a constant factor is the identification

of the nation in its physical being, i.e., its shape and size, and the obligations that accrue from this association of the highest level. The citizenry identifies their nation with a psycho-stored outline of what it appears to be. The mind determines the boundaries of the nation; what it includes, and excludes. This identification process is rooted in a sense of what made the nation, what binds it together and where it is headed. And nowhere is this perception more attuned and just as equally questioned as over the issue of India and its association with Kashmir. The emotions that Kashmir inspires are unmatched in their fervour and finality. For India it is rooted in the commencement of its national identity, with Kashmir as one of the four corners of its ancient Vedic heritage.

From the declared position on the nation flow the responsibilities of the individual and the state. While the debate over individual actions and duties is an endless exercise in contemplative arguments, the role and functions of the state, never the less, remain fairly immutable and perpetual. Governance is about realising the belief that the nation must benefit from all situations, adverse or favourable. The realisation of this dream-state is, however, determined by a vision that powers and propels government into fulfilling the duties of governance.

This vision, unfortunately, has eluded India in its conduct over the Kashmir issue. Accepting ceasefires when there was no compelling need, the negligence of responsibility over the territories that are Indian and an utter failure to conceptualise and implement a security policy that has long-term benefits for the country. The reverse is in fact true, and subsequent generations have either added or are saddled with problems that now have larger international ramifications. The ceasefire line accepted in 1948 was on features that are militarily inadvisable and it goes northwards to create the ongoing Siachen war. An eerie repeat was the lack of foresight and military preparedness in the late 1950s, when Tibet had all but ceased to exist,

which resulted in the disaster of 1962. Yet another was handing over the Haji Pir pass following the 1965 war, unmatchable in its absence of vision and common sense. The inability to put an end to the dispute with Pakistan at Shimla after a stirring military victory in 1971 probably caps the list of failures.

The country continued to pour money into the state, where political power and influence rested with one family, without taking steps to integrate it into the nation. It was no surprise, therefore, that when conditions began to deteriorate the national leadership remained oblivious. After all, they had no contact with the ordinary Kashmiri, and neither did he with them. What they did have was a coterie of middle-men, and a perpetuation of a personalised system. This remains a feature in India's conduct over Kashmir, even when militancy has spread its way into Jammu and Doda. The country has to recognise the writing on the wall if it hopes to correct the situation.

This book is an attempt to read and decipher the message. This book then is a departure from the past, for it is rooted in the belief that the State of Jammu and Kashmir was, is, and shall remain a part of the Union of India. This is not a history book nor a study in political development; it is both and much more. From the accession debate which Alastair Lamb sought to project as a fraud, and which is sufficiently countered in this book to put the matter to rest, to the conduct of security operations in the valley, this book covers the entire expanse. There is no attempt to hide facts or restrain the argument, for when the need arises to find fault it has been delivered. And more so in the case of the Government of India's handling of Kashmir from 1947 to 1994. This is not meant to be the last word on the matter, but the beginning of a wider debate. What is the nation of India and how is it sought to be protected and promoted? The answers are not in this book, but just some suggestions to encourage the search for better and more effective governance. India's long record in tackling insurgencies is

marked by a doggedness of purpose, and despite the trying conditions the country has prevailed. That experience must be converted into a national will so that this haemorrhage on the very neck of India can be staunched. The nation, after all, deserves better.

The concept of this book emanated from the Dr Shyama Prasad Mukherjee Research Foundation and it gave a grant to facilitate the research. *The Indian Defence Review Team* conducted the research and presented the findings in a paper to the Foundation. This book, then, is an outcome of that paper.

28 April 1994

— MANVENDRA SINGH
— BHARAT VERMA

INTRODUCTION

Jammu and Kashmir state, as it has existed since the nineteenth century has had an unique geo-political status in the Indian subcontinent, has contiguous boundaries with Afghanistan, Sinkiang, and Western Tibet, and earlier the Southern Russian States were its close neighbours in the North-West. In the nineteenth century the designs of expansionist Russian and Chinese regimes continued to occupy the minds of the British strategists charged with the defence of India, and they looked at the alignment of northern J & K borders, largely from this angle. The main aim of the British was to maintain some kind of a buffer zone between British India and the aspirations of the Russian and Chinese empires. By 1886, British officials were convinced that the Gilgit-Hunza region required to be under their direct control on account of its strategic location in North-Western Himalayas. In the east, along the boundary with Tibet/Sinkiang centering on Kohtan, no attempt was, however, made to demarcate boundaries or to establish border posts, although the Chinese position and actions remained ambiguous.

The British emphasis of the precise alignment of Northern Frontiers was influenced by their perceptions of Russian or Chinese threats, the focus generally remaining on the Gilgit-Hunza area where intrusions from Russia and Sinkiang continued in one form or the other. Because of this, the north-eastern border with Tibet remained an area of lower priority. After 1930, the threat from Sinkiang and Soviet Russia loomed larger in British calculations and as an outcome, in 1935, J & K state was coerced to lease out Gilgit Wazarat and its dependencies north of the Indus for a period of sixty years to the British government. Under this new arrangement military and administrative governance passed to the Crown. It was however clearly stated that despite the lease the whole area belonged to J & K state.

When Germany attacked Soviet Russia in 1941 and China lent its support to allied powers, from the British point of view the threat to the northern frontier of British India diminished considerably. After the Second World War, however, the Soviet threat reappeared; this time round both against British India and Kuomintang China. In consequence, yet again little attention was paid to the defence of the north-eastern borders of Ladakh. It is this legacy which later developed into a major confrontation with communist China after 1950. The area of Aksai Chin right up to the Karakoram Pass became arenas of armed confrontation between India and China in 1962. Occupation of large areas of J&K, after the first Indo-Pak war in 1947-48, had already created an adverse strategic situation for India, and the loss of territory to China in Aksai Chin, Pangongtso and Demchok enhanced these problems. In 1948-49, the position in respect of Pakistan was :

- India had lost control of Gilgit and Hunza, Baltistan Muzaffarabad-Kotli-Mirpur areas. These broadly came to be termed as Pakistan Occupied Kashmir (POK);
- The frontiers created through the Karachi Cease Fire Agreement with Pakistan, posed a new set of strategic threats to India because hostile elements now held large parts of J&K across the Cease-fire Line (CFL) - from Manawar in Akhnoor sector of Jammu to MR NJ 9814 in the Shyok valley in Ladakh;
- Creation of POK shrank the western borders of J&K state and provided a defensive cushion for Pakistan's heartland. Had areas of Poonch-Kotli-Mirpur remained with India it would have been in a position to pose a major military threat to the national capital region of Pakistan, to the whole of West Punjab and also to NWFP.

The armed Indo-Pak confrontation of 1947-48 was an outcome of an effort by Pakistan to capture areas of strategic importance in J&K. Pakistan merely used the 'Muslim card' to establish its claim and invade J&K in 1947-48. It is worth considering that even if the J&K state was not a 'Muslim majority' area, would Pakistan have found some other *casus belli* to invade and capture various areas of strategic importance in J&K.

That is why, in this book the strategic content of the J&K dispute is stressed and its importance to India, Pakistan, China and the world emphasised. It is evident that we have already lost large parts of J&K state to Pakistan. To lose more would be to further impair the strategic balance. In this context a reasonable resolution of the Aksai Chin dispute, mindful of the mutual positions, national priorities and interests merits consideration.

As far as the internal problems of J&K are concerned, a totally unbiased, overarching view of the past and the current developments in J&K, encompassing political, military, geo- strategic, economic, ethnic and demographic realities of J&K is necessary. Only then reasonable, long-term solutions are possible.

In order to obtain clarity about the current political turbulence in the valley and the simmering discontent in parts of Jammu and Ladakh, a study of these various regions and the genesis of J&K state is essential. The aim here is to present various facets of J&K (State) problem in the light of existing realities on both sides of the Line of Control. The genesis of the political problems after 1947 and various political developments have been analysed with a view to attempt to portray the true nature of the conflict and to suggest realistic alternatives.

In brief, the following aspects of J&K state have been studied and analysed :

- The strategic and geo-political importance of J&K state;
- Indo-Pak confrontation over J&K State, its causes, its effect and possible solutions;
- The present state of alienation of the people of the Kashmir valley and the current political turbulence; various alternatives for restoring normalcy;
- The potential and the status of the proxy war now being waged in the valley/some other parts of J&K, and methods to control it,
- Socio-economic, demographic and 'Plan' statistics of J&K as a whole and its various regions;

To differentiate between various areas the following terms have been used :

- J&K State : means the entire state of Jammu and Kashmir,
- POK : Pak Occupied Kashmir, also termed as Azad Kashmir by Pakistan;
- Northern Areas : Pak occupied North-Western Frontier Areas;
- J&K : Three regions of J&K i.e. Kashmir valley, Jammu and Ladakh.

PART 1

A GEO-POLITICAL STUDY

SECTION ONE

A GEO-POLITICAL PROFILE OF JAMMU & KASHMIR

LOCATION

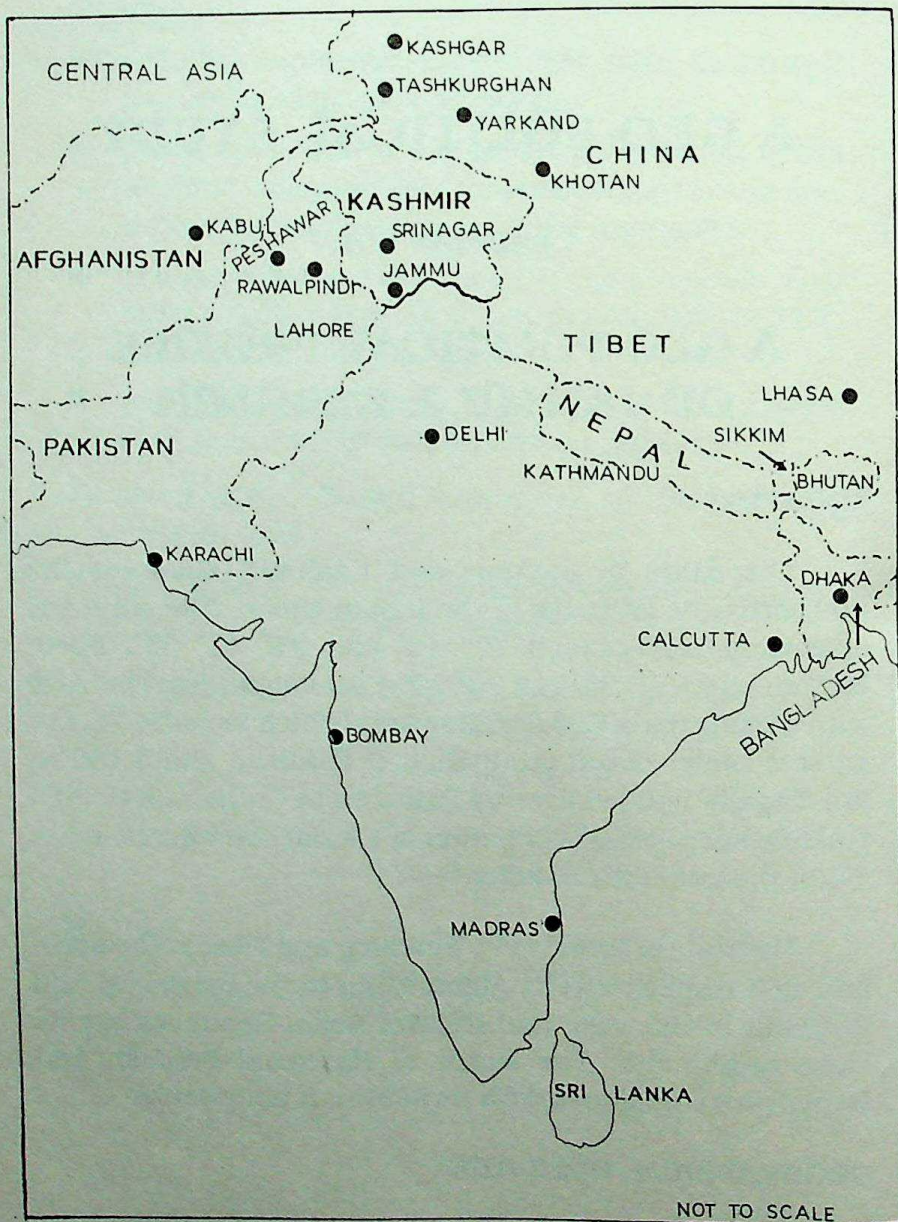
The State of Jammu and Kashmir, occupies the northernmost latitudes of the Indian Union. The state lies approximately between $32^{\circ} 15'$ and $37^{\circ} 17' 53''$, North latitudes and $72^{\circ} 35'$ and $80^{\circ} 20'$, East longitudes. The state with a total area of 222,236.2 sq kms (which includes 78,114 sq kms under illegal occupation of Pakistan and 5,180 sq km illegally handed over by Pakistan to China and 37,555 sq km under illegal occupation of China) constitutes about 7% of the total area of India.¹

The state is bounded by Sinkiang and Tibet in the north and east respectively; by Afghanistan in the northwest and Pakistan in the west, and Central Asian Republics are its close neighbours. The states of Himachal Pradesh and Punjab are contiguous with its southern boundaries.

GEOGRAPHICAL OVERVIEW

The state falls in the great north-western complex of the Himalayan ranges, with marked relief variation, snowcapped summits, deeply dissected topography, antecedent

MAP 1
THE STATE OF JAMMU AND KASHMIR



drainage, complex geological structure and rich temperate flora and fauna. The state has a strong genetic relationship with the Himalayan complex, which exercises an important influence on its geographical personality.

The north and south Kashmir Himalayas falling within the State of Jammu and Kashmir, have an intrinsic genetic relationship with the complex of the mountain systems, which diverge out of the Pamir knot in different directions. The Pamirs, along with Hindukush, Karakoram, the Sarikol-Muztagh and the Pamir-Alay Tien-Shan ranges form the water parting between the two inland systems of drainage, one ending in the Aral Sea and the other in the inland lagoons of Lop Nor.

Among the mountain systems that splay out from the Pamir vortex are the Hindukush, Muztagh, Karakoram, Ladakh and the Great Himalayan ranges in the south, south-east and south-west; Pamir-Alay, Trans-Alay and Tien-Shan in the north-east; and the Kun Lun and Aghil ranges in the east and south-east.

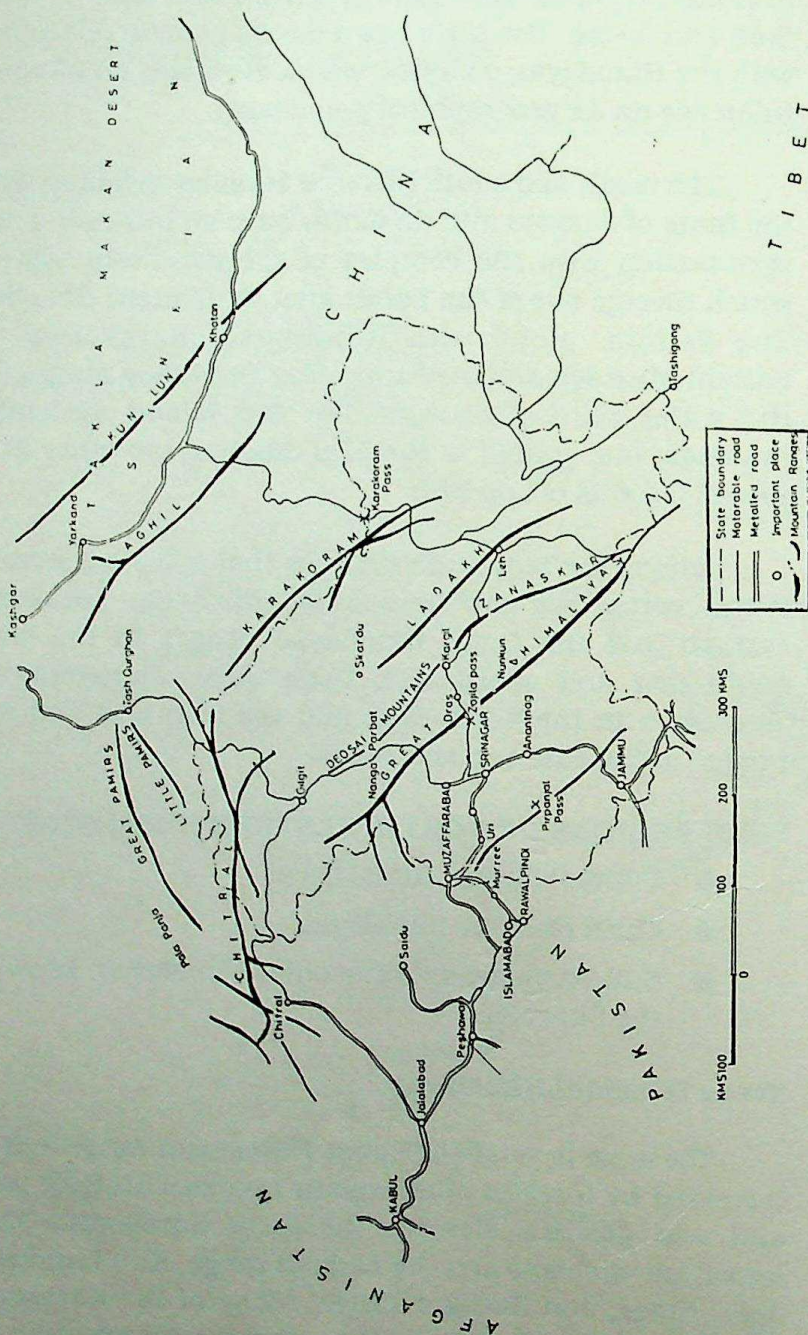
MAIN REGIONS OF NORTH-WESTERN HIMALAYAS

- Trans (Tibetan) Himalayas;
- Great or Inner Himalayas;
- Sub-Himalayas, or the outer Himalayas, known as the Shiwaliks.

Trans (Tibetan) Himalayas

These lie beyond the Great Himalayan range and are traversed by a series of mountain ranges with lofty peaks and vast glaciers. Besides the great Karakoram, other important offshoots are: the Ladakh range, Kun Lun range, Aghil range, and Zaskar range. Many of the Karakoram glaciers have fast flowing surface streams, for example, the Siachen which feeds the Nubra river. Some of the highest peaks in the Himalayas like K₂ (8,611 m), Hidden Peak

MAP 2 JAMMU & KASHMIR GEOGRAPHICAL OVERVIEW



(8,069 m), Broad Peak (8,047 m), Gasher-Brum II (8,035 m), Rakaposhi (7,788 m) and Haramosh (7,397 m) rise abruptly in the western Karakorams.

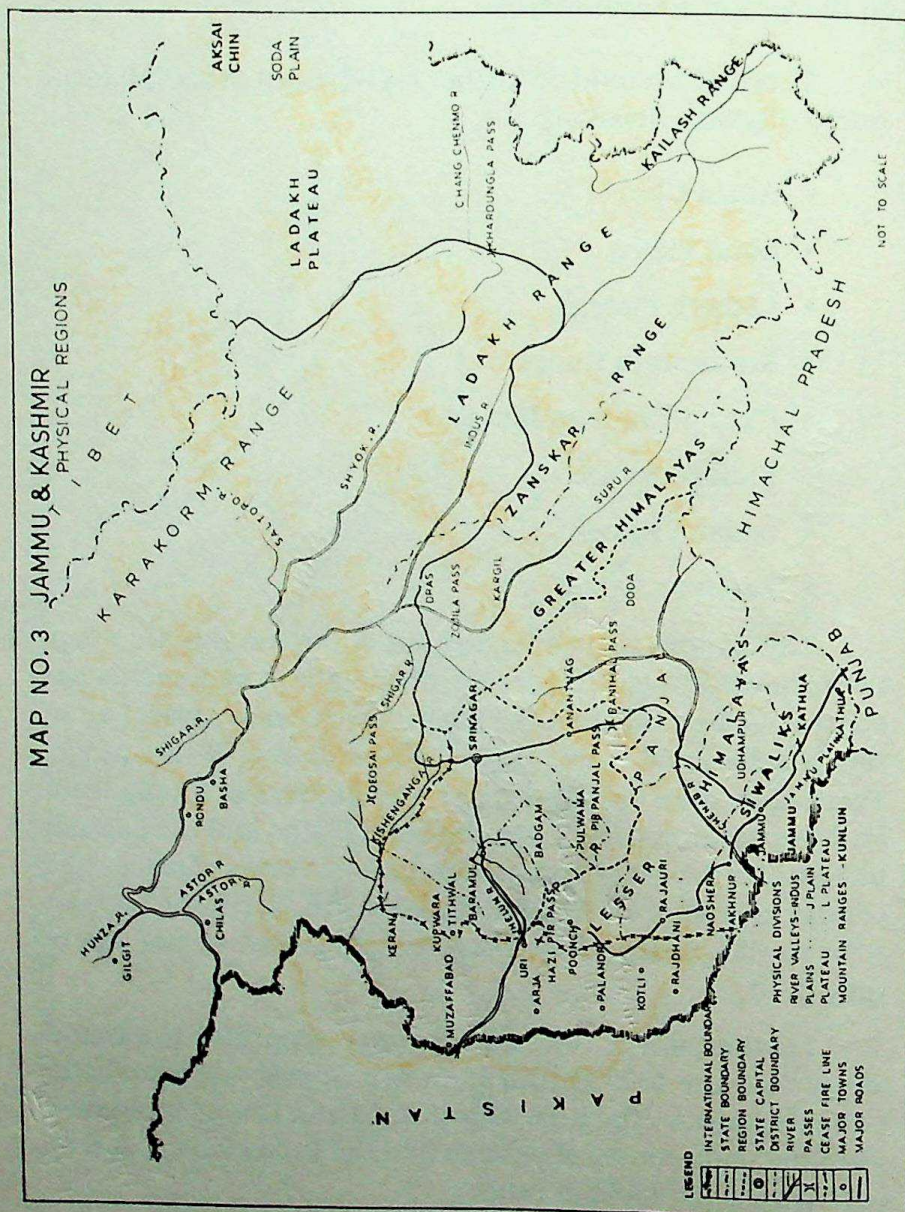
This region could be further sub-divided in the following micro physical divisions :

- Aksai Chin
- Soda Plains
- Ladakh Plateau
- Karakoram Range
- Chang-Chenmo Range
- Kailash Range
- Ladakh Range
- Zaskar Range

The Saltoro ridge splaying out of the Karakoram range near Indira Col is the present dividing line between India-controlled areas of Ladakh and Northern Areas under Pakistan. Siachen and many other glaciers lie east of this range. This whole area of high ranges and glaciers is totally unfit for human habitation. Even the Soda Plains and the Ladakh plateau are devoid of human habitation. Names of places like Daulat Beg Oldi or Sultan Chushku in Northern Ladakh refer to the places where *these people perished*, not where they lived.

Further south, the Ladakh range separates the Indus valley and the Leh district from the Shyok valley and the Ladakh plateau. The high Khardungla and Chang La passes form the main routes of ingress into the Indus valley, and to Leh, across the Ladakh range.

The Zaskar range further south, running almost parallel to the Greater Himalayan range, separates the Indus and the Suru river valleys.



Great or Inner Himalayas

Great Himalayas or Himadari have their broadest part in the Kashmir region; 700 kms from west to east and 500 kms from north to south. The crest of Himadari in Kashmir region starts from Nanga Parbat (8,126 m) and runs zigzag eastwards for about 850 kms at an average elevation of 5,500 m. This range, which forms the roof of the Kashmir division, has very rugged topography with many lofty mountain peaks which rise to a height of about 6,480 metres. The region also has huge stretches of frozen glaciers and lakes at the top of the mountains. The Greater Himalayan Range is traversed by the National Highway between Srinagar and Leh through the Zojila Pass (3,520 m). The whole region experiences very heavy snowfall and extreme cold climatic conditions throughout the six months long winter season.

MICRO REGIONS OF INNER HIMALAYAS

- Greater Himalayas;
- Deosai Mountains — (in POK) run in a North-South direction from Gilgit to Kargil where the Zaskar range starts;
- Pir Panjal Range — separates Jammu division from the Kashmir valley. There are several passes on this range at an average height of 3000 m. Banihal (2832 m) and Pir Panjal (3,494 m) are the two main passes connecting Jammu-Poonch region with the Kashmir valley. The national highway from Jammu to Srinagar passes through Jawahar Tunnel under the Banihal Pass. This range is 290 km long running from Muzaffarabad to Kishtwar.

Kashmir/Jhelum valley :

The valley region which lies esconsed between high mountain ranges is generally plain and highly fertile. This region will be described in greater detail later.

SUB HIMALAYAS

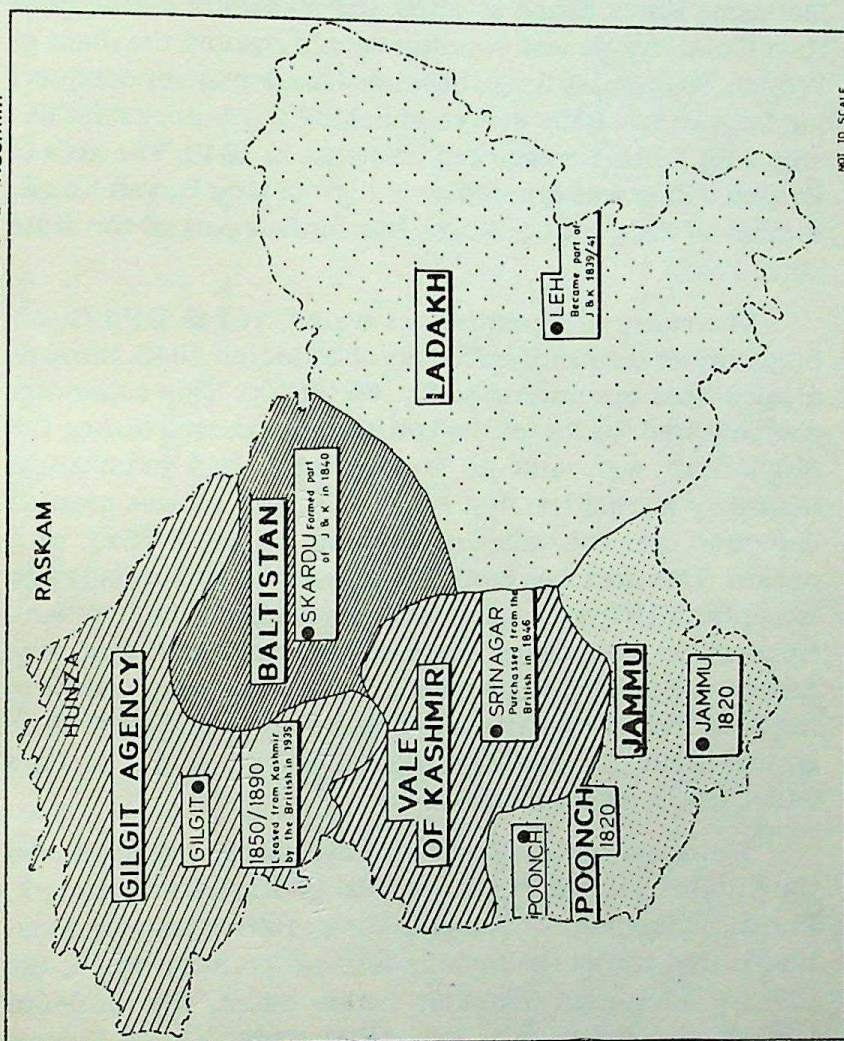
Sub or Outer Himalayas of the Jammu Division consist of forested or furrowed hills with structured depressions or 'Duns'. This region is criss-crossed by various fast flowing streams in the south. Main physical divisions of this region are :

- Chenab-Marw valley is in the North-east. Doda, Kishtwar and Bhadarwah are the main population centres in this part of J&K. Many *Galis* and the Sinthan Pass (3,780 m) provide direct routes from here into the Kashmir valley;
- Lesser Himalayas on the southern slopes of the Pir Panjal have forest covered hills with narrow river valleys. This area is prone to seasonal snowfall and landslides. A low outer ring of hills lies between the plains and the mountains further south. The districts of Udhampur and Rajauri comprise this region;
- Jammu Plains : This region has weather conditions akin to Punjab plains. The ground is undulating with occasional solitary hills. It is criss-crossed by a number of fast flowing streams. The Jammu urban centre is situated here. The two districts of Jammu and Kathua comprise this area.

MAJOR REGIONS AND THE ADMINISTRATIVE DIVISIONS : 1820-1947.

The prevailing environmental constraints such as terrain, river valleys and weather have carved out various regions of J&K. These attributes also result in sharp ethnic, religious and cultural diversities and disparities amongst various regions of the state. Genesis of J&K state and the major regions of J&K, as they existed in 1947, are briefly described here.

Map 4 Stages in the creation of the State of Jammu and Kashmir

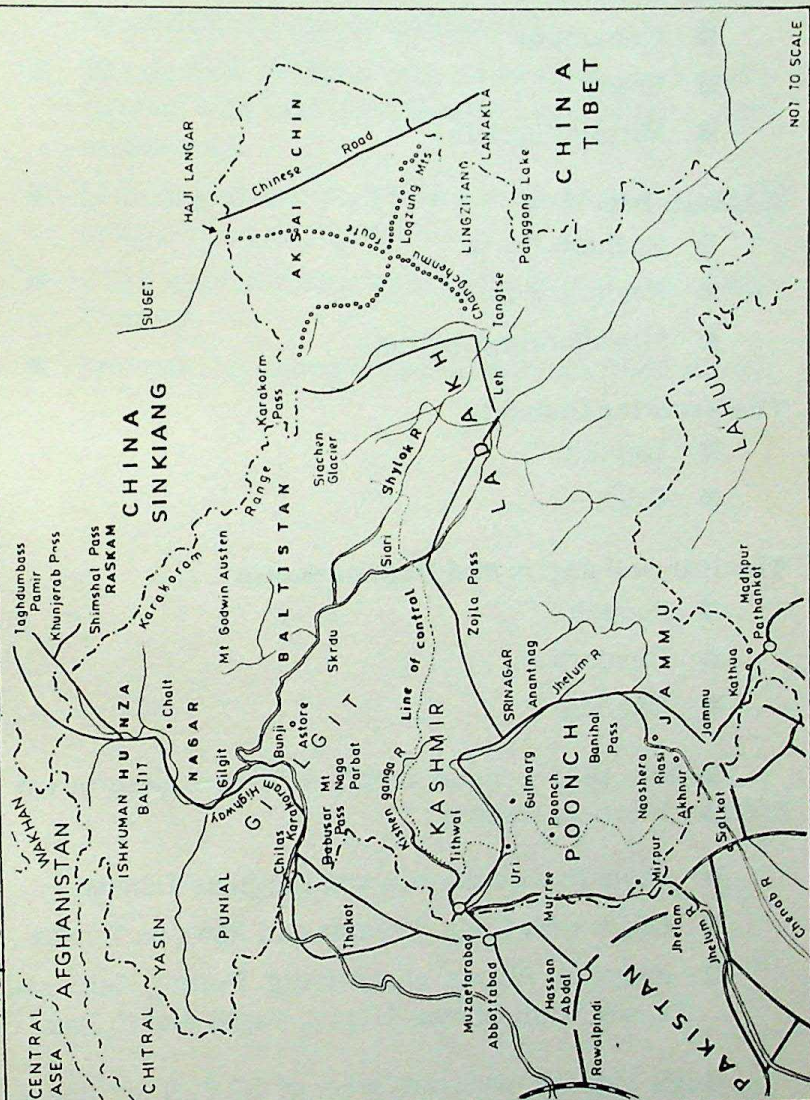


GENESIS : The state of Jammu and Kashmir was constituted in the first half of the nineteenth century by Gulab Singh who was appointed as the Raja of 'Jammu' by Maharaja Ranjit Singh in 1820. Dhyani Singh, a brother of Raja Gulab Singh was simultaneously granted the Jagir of Poonch. Raja Gulab Singh expanded his domain by conquering Ladakh in 1830s and establishing a tributary relationship with Tibet. He acquired Baltistan in 1840. The area of Poonch which was granted as a Jagir to Raja Dhyani Singh, brother of Raja Gulab Singh, has formed part of the state since 1820.

The valley of Kashmir was transferred to Raja Gulab Singh under the Amritsar Treaty of 16 March 1846, through a sales deed amounting to Rs. 75,00,000. This somewhat compensated the losses the British had incurred during the Anglo-Sikh war, and as Gulab Singh had maintained neutrality during the first Anglo-Sikh war he was granted dominion over the valley of Kashmir, by the British, as a reward. This area was earlier conquered by Maharaja Ranjit Singh in 1819 from its Afghan ruler, Ahmed Shah Durrani. However, in 1846, as a result of the Anglo-Sikh wars, the Sikhs were obliged to part with this territory and cede it to the East India Company. Finding it remote and difficult to govern (from Calcutta) directly the British sold it to Raja Gulab Singh for a consideration.

Maharaja Gulab Singh and his successors expanded the empire further north to the areas of Gilgit, Hunza, Nagar, Punial, Ishkoman, Chilas and Yasin. Here it may be mentioned that it was the famous General Zorawar Singh, the military advisor to Maharaja Gulab Singh, who annexed Ladakh and Baltistan to expand Maharaja Gulab Singh's kingdom to Ladakh. General Zorawar also led his army, over high passes, into Western Tibet. However this brave commander and his army perished during these forays.

According to the census of India 1911 (Vol XX Part 1, Report on Kashmir) and census reports of 1921, 1931 and 1941, the administrative set-up of the state was as under :



Jammu Province

- Jammu
- Jasrota
- Udampur
- Reasi
- Mirpur districts

Kashmir Province

- Kashmir North
- Kashmir South
- Muzaffarabad districts

The Frontier Districts

- Ladakh
- Gilgit

The Internal Jagirs and Dependencies

- Poonch
- Bhadarwah
- Chaneni

In the 1941 census report a further description of Frontier Districts showed :

- Ladakh; with Skardu and Kargil as Tehsils
- Gilgit; with Gilgit Wazarat and Astor as Tehsils
- Frontier *Illaqas* comprising Punial, Ishkoman Yasin, Kuh, Ghizar, Hunza, Nagar and Chilas.

Gilgit Agency with an area of 39,326 sq km was bordered by the Indus river on the south. It was drained by Gilgit and Hunza rivers. After 1935 the leased area of Gilgit on the north of Indus river was separated from Gilgit Wazarat (on the south of the river).

On the eve of independence in 1947 the state of Jammu and Kashmir contained five distinct regions as under :

- Kashmir Division which comprised mainly the valley of Kashmir and Muzaffarabad.
- The Jammu Division with its western border contiguous with undivided Punjab along Mirpur, Kotli and Poonch.
- Ladakh and Baltistan with Leh and Skardu as the main centres of population.
- Gilgit Agency (under lease to the British) and Gilgit Wazarat.
- Frontier *Illaqas* (regions). (Already described above).

SECTION 2

THE FRONTIERS OF J&K STATE AND RELATIVE STRATEGIC IMPORTANCE OF REGIONS

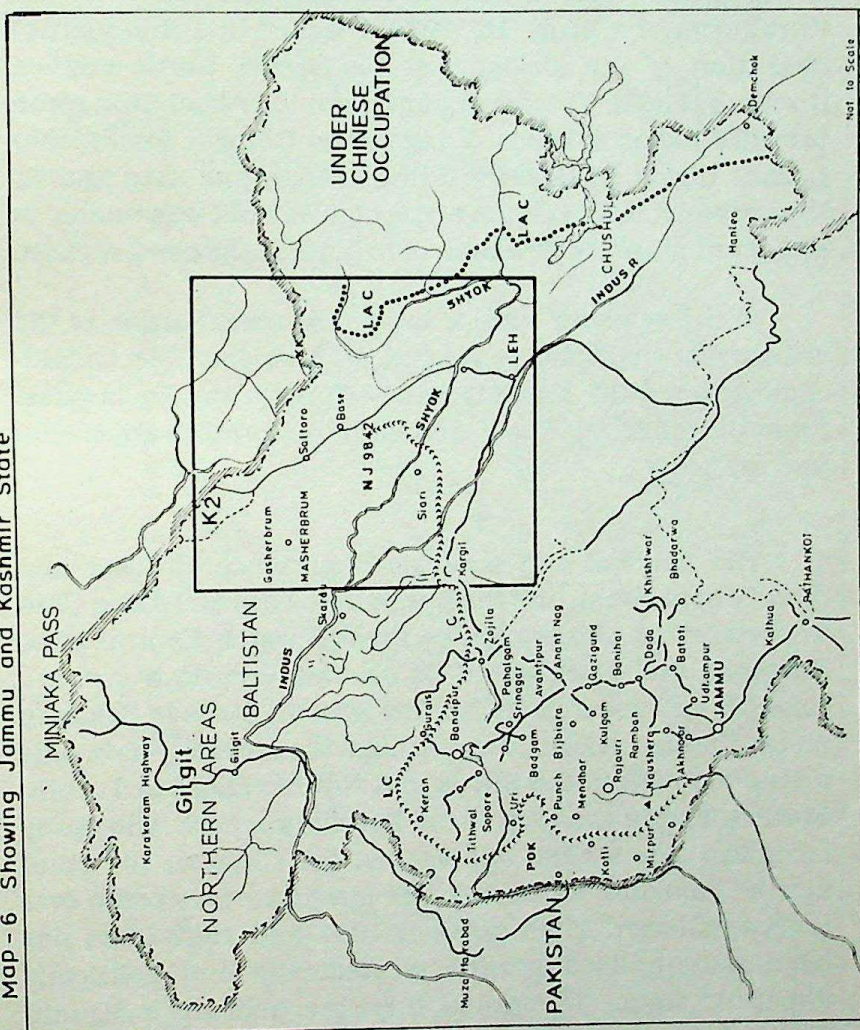
THE STRATEGIC IMPORTANCE OF THE NORTHERN REGIONS AND LADAKH

In the northern area the main Karakoram Range creates a watershed between the Tarim Basin in Xingjiang autonomous region of China and the Indus river system flowing through Ladakh, on to Pakistan and thence to the Arabian Sea. In the west this range bifurcates to join the Pamirs in Tadzhikistan and the Hindukush in Afghanistan. In the east beyond the famous Karakoram Pass the range dissipates itself into the high plateau of Western Tibet, south of Kun Lun Range.

The Northern frontiers of undivided India ran along the high Karakoram and associated ranges. There are two major routes of ingress across the Karakoram range into Ladakh. In the east the so-called Ladakh route encompasses the Karakoram and associated passes. These routes provide ingress into Ladakh from Hotan (Khotan), and Sache (Yarkand), Kasha (Kashghar). East of the Karakoram Pass the boundary is disputed and the area is presently under Chinese occupation. The Aksai Chin road built by the Chinese, enters this area from Tibet and traverses Soda Plains and Haji Langar before entering Xingjiang.

The Western or the Gilgit route is now under Pakistan occupation. This approach provides a route between Gilgit, Hunza and Kasha (Kashghar), over Mintaka, Khunjerab and

Map -6 Showing Jammu and Kashmir State

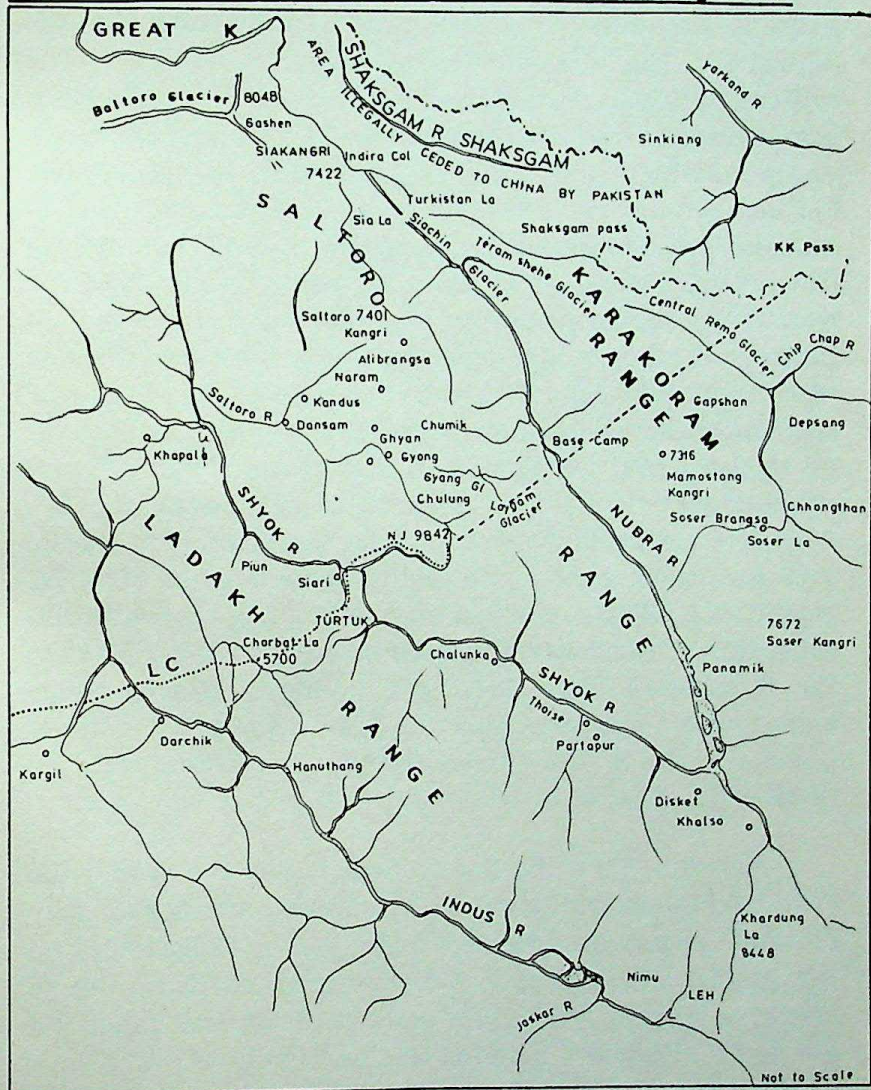


Shimshal passes, The famous Karakoram highway follows this route from Kasha to Gilgit. It is a major artery of communication from Kasha, going through the Indus valley to Karachi. There is little doubt the completion of the Karakoram highway in 1978 marked a fundamental alteration of the strategic status of the North-western frontiers of J&K. This route along with the Aksai Chin route provides major avenues of ingress to Chinese forces, into Ladakh region. In 1969 India had strongly protested against the proposed construction of the highway but was unable to either influence the situation or to prevent the construction.

Both the above routes, before the construction of the Karakoram highway, converged at Srinagar. The Ladakh route entered the Kashmir valley through the Zojila pass. From the military point of view both these routes are of vital importance.

The political and strategic importance of Gilgit and Skardu in the west, and the Karakoram Pass and Aksai Chin in the east as observation centres to watch Central Asia, Xingjiang and Tibet would be obvious even to a layman. However we have already lost the western areas to Pakistan and in the east, Aksai Chin to China. We presently have only a tenuous hold in the Shyok and Nubra valleys in Turtuk, Siachen and in the area of the Karakoram pass. Our Army faces two fronts here, one against the Chinese, the other against Pakistan, which includes our precarious perch over Siachen Glacier. Thus between 1947 and 1962 India has been marginalised in this strategically and politically important region. We have to, therefore, hold and safeguard Shyok, Leh and Srinagar valleys resolutely. The occupation of North-western areas of Ladakh by Pakistan have precluded a direct overland route between Afghanistan, Central Asia and India. This is a major strategic setback from the Indian point of view; the country cannot afford any further such setbacks.

Map 7 The Siachen glacier and the surrounding areas



THE MILITARY CONFRONTATION IN SIACHEN

The problem of Siachen is a legacy of inept handling of the situation by the government. After the first war of J&K a cease fire line (CFL) was drawn under the Karachi Agreement which terminated at Khor MR NJ 9842. The agreement declared that the CFL will run to Chalunka-Khor and thereafter north to the glaciers. This was an extremely vague statement and could be interpreted in many ways. Perhaps we did not have the requisite knowledge, due to inaccessibility of the area, or experience, in 1947-48 to specify (the grid reference) where the CFL would run towards the North. There was however no reason, whatsoever, to perpetuate this 'vagueness' in 1972, after the Shimla Agreement, when the CFL was changed to 'Line of Control' (LC) and realigned in many places. This was a major blunder on the part of the government, also of the senior military commanders deputed to the task of delineating the LC. Pakistan, perhaps aware of the flaw, kept a studied silence over the issue; this vague definition or alignment of LC beyond NJ 9842 suited Pakistan. They later drew the LC according to their interpretation straight from NJ 9842 to the Karakoram Pass, thereby claiming all glacier areas including the Siachen Glacier, Saltoro Ridge and the upper reaches of the Shyok valley - running North-East from NJ 9842.

In 1984, when the government finally recognised the error and Pakistani moves, we committed another military blunder; we sent our troops atop the Saltoro Ridge to defend the glacier. This proposition attractive on the map is disastrous on the ground, for any troops. We first called it a low key reaction and believed that putting up a post or two on the Saltoro Ridge will solve the problem. This was lack of foresight, as it should have been obvious to anyone, even with a casual acquaintance with military matters, that Pakistan would react and that the situation would escalate. This is exactly what happened. There is now deployed a brigade plus in the Saltoro Siachen Glacier area, and a

brigade to back up the troops on the Siachen-Saltoro complex. In addition, large air-cum-logistic bases have had to be established at Chandigarh, Leh and Thoise (airfield). Without a proper tactical and operational analysis we had placed a large contingent of troops in an impossible logistic and tactical position. The defence of the glacier could have been better handled by pushing the Pakistanis out of their logistic bases in the Shyok valley so that Siachen would become inaccessible to them.

In our view as long as the Pakistani aggression and subversion of Kashmir valley continues, status quo has to be maintained in Siachen. Sponsored terrorism must stop in the valley and this should be a precondition for further talks on the future of Siachen. Instead of talking of withdrawal or adjustments, we should seek to firmly fix the LC beyond point NJ 9842, without prejudice to the respective positions of India and Pakistan. In 1972 after the Shimla agreement we were in a position of advantage and should have dictated the alignment of LC beyond NJ 9842. We failed to do so. Talks of limited or unilateral withdrawal from Siachen, despite very heavy liabilities, will leave us with no advantage. Presently only minor adjustments to avoid confrontation may be discussed with Pakistan.

STRATEGIC IMPORTANCE OF THE VALLEY/KASHMIR DIVISION

The main surface route to Ladakh through Srinagar via the Zojila pass, remains snowbound for about six months in the year. The only other route via Manali - Rohtang pass is underdeveloped, long, rough and desolate. This route traverses several very high passes which remain open for traffic hardly for four to five months in a year. A convoy takes four to five days to reach Leh via this route from the logistic bases, as compared to two days journey from Srinagar to Leh. In other words, a part of the valley, including Srinagar, is important to keep the life lines to Leh and Siachen or Daulat Beg Oldi open. The Pir Panjal and the Zaskar ranges

are important from our point of view and cannot be allowed to be compromised. The Baramulla Gorge, through which the Jhelum flows from the valley, is the only natural opening into or out of the valley. These lend importance to areas between Baramulla and Uri. The old Srinagar-Rawalpindi road also follows this route.

STRATEGIC IMPORTANCE OF JAMMU REGION

Even a cursory look at the map would indicate the vital importance of the areas of Jammu and Kathua, their strategic linkage is with the areas of Pathankot and Gurdaspur. Similarly, Kishtwar, Doda and Bhaderwah influence and provide ingress into Himachal Pradesh. In the obverse lies the importance of the Kotli-Mirpur belt in POK, as an area that puts pressure on Pakistan's capital region.

SECTION 3

A STUDY OF REGIONS OF J&K STATE

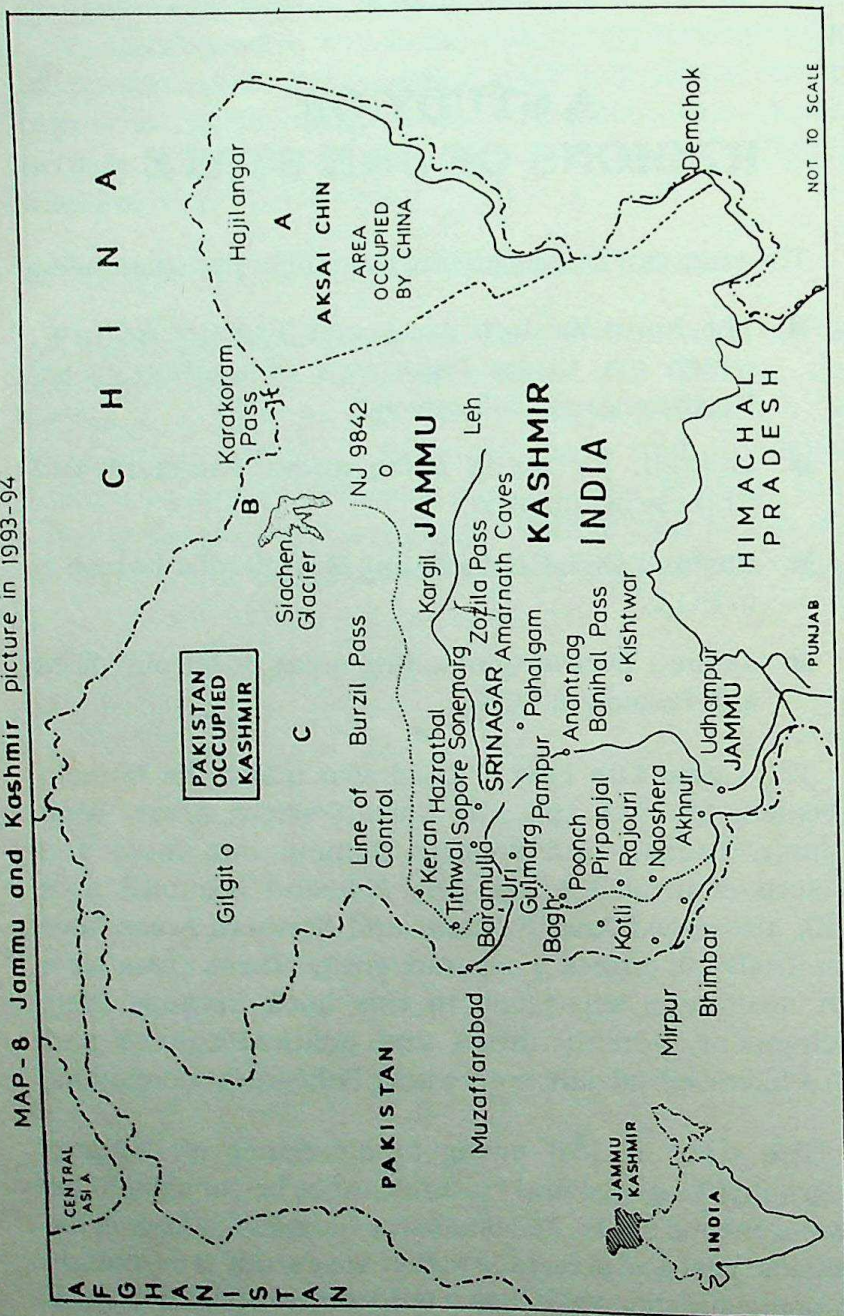
The state can be divided into four major parts as under:

- The North-Western Areas and 'Frontier Regions', which are under Pakistan's occupation called Northern Areas collectively;
- Ladakh, including parts under Pakistani and Chinese occupation;
- Kashmir Division, including Muzaffarabad which is in POK;
- Jammu Division, including areas of Mirpur, Kotli and Poonch in POK.

The Cease Fire Line (CFL) drawn under the Karachi Agreement in 1948 split the North-Western Areas, West Kashmir, Ladakh and Western Jammu into India and Pakistan controlled areas. The Pakistan occupied area (POK), also called Azad Kashmir and Northern Areas have since 1948-49, formed a separate entity. These areas have been dealt with separately in this book because their development, administration and political culture and status have evolved differently under Pakistan's occupation.

The state of J&K owing to diversities of climate, topography, language and culture cannot be considered as a homogeneous entity. To visualise a complete picture of its problems, past and present, a region-wise study is essential. Geo-politically this region has a tendency to splinter unless a strong centralising or cementing force holds it together. Lord Birdwood in his book *Two Nations and Kashmir*, (published in 1956) made a relevant observation when he

MAP-8 Jammu and Kashmir picture in 1993-94



A Under Chinese Occupation
B Area ceded to China by Pakistan
C Pak and Northern areas under Pakistan

said that "the delimitation of a line on the map of Central Asia which on political considerations enclosed a completely artificial area, a geographical monstrosity, which then assumed the name of the Jhelum valley, Kashmir."

It is also evident that geographically the state of J&K is not a single entity. The river valleys and mountain ranges divide J&K into several compartments. The Kashmir valley for example, had only one route of ingress till 1916, along the Jhelum valley, emanating from Rawalpindi and going through Domel and Uri. A cart track was constructed on the Banihal Pass route in 1916, for the private use of the Maharaja and was opened to public in 1922. Until the Jawahar Tunnel was completed in the 1950s this route over the Banihal Pass used to remain closed throughout the winter. The physical isolation of one region from another is a geographical reality having a great bearing on the current problems of J&K state.

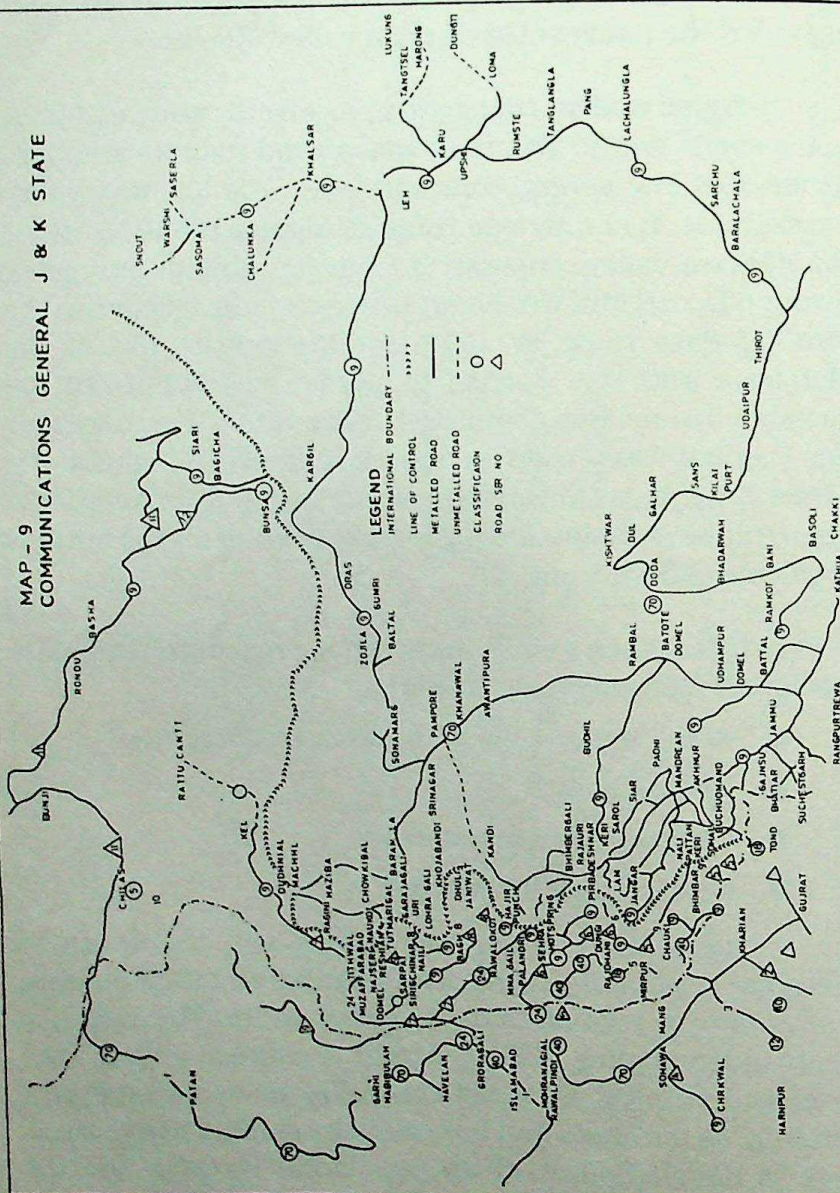
In this section we will study various regions of J&K state under the following main headings :

- Area, topography, administrative divisions;²
- Demography;³
- Communication systems;
- Development (in general).

A micro study of various regions will enable us to recognise the existing regional imbalances and their causes, particularly in relation to the Kashmir valley. Thereafter, a clear understanding of the geography, political milieu, cultural and ethnical biases of the valley must be analysed carefully as terrorism and low intensity conflict are centred here. A detailed study of its population *complex* and its peculiarities will assist analysis.

Similarly, Jammu and Ladakh regions also have their own characteristics of identity, culture and political ethos. The overall regional imbalances created in various parts of

NOT TO SCALE



J&K, in the past, due to a much greater importance being given to the valley needs reappraisal. Whereafter the uneven political and economic priorities given to the three regions requires immediate attention. Some of these aspects will be apparent by a comparative study of these three regions of J&K.

The problems of POK and Northern Areas, their international status and their equation with Pakistan have also been included in the section.

THE KASHMIR (VALLEY) DIVISION

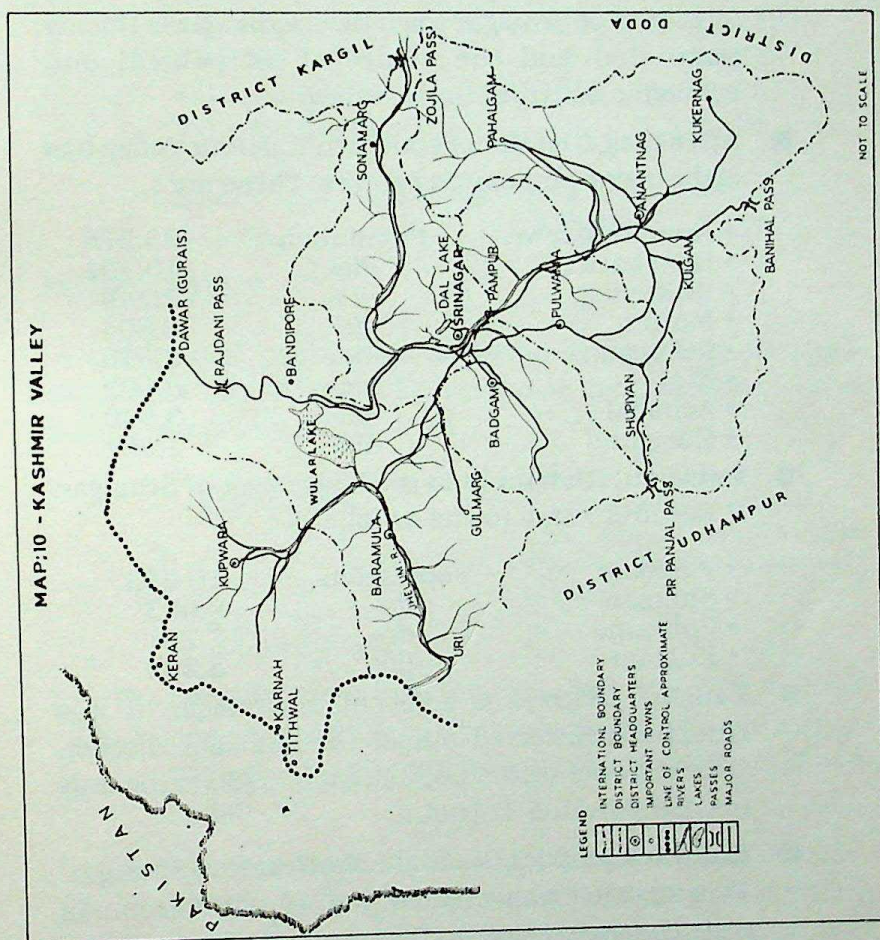
AREA AND TOPOGRAPHY

The valley of Kashmir is surrounded by high mountain ranges from all sides. This valley, which is about 15945 sq km in area, lies in a structural basin of a synclinal valley, once the bed of a great lake. This incidently is the most fertile and densely populated region of J&K state. It stretches 200 kms from Southeast to Northwest at an average elevation of 1700 m and has a maximum width of about 120 km. There are numerous lakes in the valley, the biggest being the famous Wular Lake through which Jhelum River passes. It enters Wular near Bandipur and leaves it at Sopore. Dal and Nagin Lakes are well known tourist resorts of Srinagar. Anchar and Manasbal are other well known lakes of the valley. The main river is Jhelum or Veth and it has numerous tributaries like Liddar, Sind, Sandran and Vishwa rivers which have carved out the valley. In addition, hundreds of fast flowing nalas called *Nars* and man-made canals called *Khuls* are found all over the valley.

Kashmir valley has a temperate and salubrious climate. During winters, however, the temperature frequently goes below freezing. Occassionally Dal and other small lakes freeze. In Srinagar the mean daily temperature in January is 0.5°C, and 23.5°C in July. The rainfall during the cold weather, from December to April, comes through thunderstorms which bring much snow on the higher elevations. In April-May, or summers, the valley and surrounding hills experience moderate showers. The total rainfall in the valley in winter months varies between 38 to 88 cms; average snowfall is about 243 cms; and average rainfall in summer months is 34 cms.

DISTRICTS AND TOWNSHIPS

The valley is divided into six districts as under :



- **Srinagar District** has three urban centres. Srinagar township is the largest with a population of 6,06,002. The other two satellite townships are Badamibagh, population 11,227 and Gandarbal, population 9,143. For all practical purposes they form part of Srinagar town now. Srinagar is thickly populated and the centre of all political and economic activities in the valley.

- **Anantnag District** of southern Kashmir valley has eight major population centres. These are :

• Anantnag town :	Population	33,978
• Bijbehara :	-do-	10,791
• Kukernag :	-do-	2,249
• Mattan :	-do-	6,804
• Pehalgam :	-do-	2,626
• Tral :	-do-	8,062
• Achabal :	-do-	3,649
• Qazigund :	-do-	1,987

- **Pulwama District** is in the Southwest of Srinagar. It has four small towns as follows :

• Pampore :	Population	10,833
• Shopian :	-do-	9,653
• Pulwama :	-do-	7,731
• Kulgam :	-do-	8,202

- **Badgam District** is adjacent to Srinagar. It was recently transferred out of the Srinagar district. Chari Sharief with a population of 6935 is the only township in this district.

- **Kupwara District** lies to the Northwest of Srinagar. This district was created out of old Baramulla district some years ago. The famous Lolab valley is in this district. It has two main towns; Kupwara with a population of 3,072 and Handwara with a population of 6,616. It has Karnah Tehsil in Tithwal sector and Keran sector along the Line of Control. Various *Galis* or high and steep mountain passes enter Kupwara district from POK.

- **Baramulla District** is situated along the main

Srinagar-Uri highway and the river Jhelum. It has the following major townships :

• Baramulla	:	Population	33,945
• Sopore	:	-do-	33,584
• Bandipur	:	-do-	14,218
• Pattan	:	-do-	5,071
• Gulmarg	:	-do-	10,791
• Uri (on the LC)	:	-do-	6,596

Total :	Urban Centres	Population	Percentage
	24	8,28,099	65.70%

DEMOGRAPHY

The total population of Kashmir according to 1981 census is 31,34,905. The religious composition of the population is as under :

- Muslims 94.6%
- Hindus 3.95%

Migratory Muslims 9.07%
Gujjars and Bakerwals out the total percentage, rest are Kashmiri Muslims in Kashmir Division

- Sikhs 1.05%
- Buddhists 0.06%

- **Density of Population** (approximate). The highest density in J&K is 318 persons per sq km in Srinagar district. The average is approximately 165-200 per sq km.
- **Literacy Rate**. About 23.36 per cent population is literate and only 12.54 per cent females are literate. The pattern indicates that the majority is educated only upto the primary level.
- **Languages**. Kashmiri and Urdu. Gujjars and Bakerwals speak 'Pahari' or a mixture of many languages.
- **Communication System**. The Kashmir division is provided with a good road network. National and State highways connect almost all big towns.

However, communications are sometimes disrupted in the valley during snowfall and floods for short periods. Many roads above the valley floor are snowbound for four to five months in winter e.g. road to Gulmarg and Sonamarg - Baltal-Zojila. River Jhelum and some of its tributaries and canals are also extensively used as waterways. The Kashmir valley owing to its climate and topography has generally remained isolated from Jammu, Ladakh and the rest of the subcontinent. The culture, language and social practices of the Kashmiris have remained distinct from adjoining regions. Kashmiri Muslims are inclined towards a kind of 'Sufi Islam'. Even modes of prayer and construction of their mosques differ from the Muslims of other areas with whom they have maintained close links.

This physical isolation has made the Kashmiris of the valley retiring by nature. They are, however, highly emotional and quick to take offense. They have a high sense of their cultural and linguistic uniqueness. There exists an historically rooted mistrust amongst the Muslims of the Kashmiri Pandits and the Dogras. To a Kashmiri all other people whether from Punjab, UP or Himachal are 'aliens'. Kashmiri Muslims are susceptible to religious affinities in a vague sort of way and lately, of course, they have been injected with a heavy dose of Islamic fundamentalism. Urbanisation is high in districts like Srinagar, Pulwama and Badgam due to a favourable industrial structure, diverse economic activity and development of roads. It is to be noted that the effect of anti- India and religious propaganda has been felt more in urban centres where development and literacy rates are higher.

In this belt the Line of Control runs from Gulmarg-Uri through Shamsabari range - Tangdhar-Keran to Northern 'Galis'. The LOC generally follows the mountain tops in

Gulmarg-Uri sector, running zig-zag further north along the Shamsabari range, which is a link range connecting Pir Panjal and the Greater Himalayan ranges. These areas along the LC, are generally underdeveloped and remote. Some of these areas like Tangdhar and Gurez valleys are situated across high passes which remain snowbound for four to five months during the winter season.

The valley can be divided into various geographical areas described in the following paragraphs.

■ The Jhelum valley Floor

This region is the most fertile and densely populated belt of Kashmir valley. It includes the flood plains and *bahil* tracts. It extends from Khanabal in the south-east to Baramulla in the west. The region has a thick cover of soil, which is further enriched by continuous deposits through the tributaries of River Jhelum. This is the main agricultural belt of Kashmir valley. Most of the area is irrigated through a network of canals called *Khuls*. Summer conditions prevail for a longer period as compared to the other parts of Kashmir division. This permits the area to raise two crops in a year, although the second crop has been introduced only lately and in limited areas. The region has a well developed transport network system. Major urban centres of Srinagar, Anantnag, Baramulla and Sopore are located in this region. Changes in the institutional set-up and the utilization of modern agricultural implements have increased the productivity of this region. Plain areas of Srinagar, Pulwama, Badgam, Anantnag and Baramulla districts also fall within this region.

■ The Karewas

The Karewas are belts of uplands, which have been formed due to lacustrine deposits. The sloping Karewas extend from Shopian to Sopore, all along the foothills of Pir Panjal and Great Himalayan ranges. Some of the Karewa areas are markedly flat topped, dreary in appearance and parched as compared to the sloping Karewas. Water-table is very low, hence only dry farming is possible in this region. Horticulture is the dominant activity of this region. The important fruits cultivated are walnuts, apples, plums and cherries. Handicraft activities are a major support during winter.

■ The Side valleys

The Side valleys region includes the areas carved out by the important tributaries of River Jhelum. In this region the valleys are narrow, the slopes are steep and the soil immature due to lesser insolation and temperature. Continuous felling of trees has created environmental problems increasing the rate of soil erosion, thereby washing away the fertile top soil of the area. Dry crops like maize, pulses and millet are grown all along these valleys. Most of these areas are sparsely populated and highly underdeveloped.

THE JAMMU DIVISION

Jammu division is the most accessible region of J&K state. It is directly contiguous to Punjab and Himachal Pradesh. The total area of Jammu division is approximately 26293 sq kms. Pakistan has occupied the districts of Mirpur, Kotli and parts of Poonch since 1948-49 which had common boundaries with Pakistan. The region lies in the Lesser Himalayas and can be divided into three distinct areas. These geographical divisions of Jammu are :

- **Jammu Plains** : This plain which is locally known as *Kandi* lies along the Pakistan border between Ravi and Chenab rivers.

This plain which is 8 to 24 kms wide has two districts of Jammu and Kathua. This is the second most developed region of the State after the Kashmir valley; and its opening in to the Indo-Gangetic plains distinguishes it from other areas of J&K. It has important industrial complexes all along the railway track which connects Jammu main with Pathankot. The railway line has recently been extended upto Udhampur beyond the Jammu plains but is not fully operational. District-wise details are as under :

- **Jammu District** : Major population centres are :

• Akhnoor	:	Population	6721
• Arnia	:	-do-	7551
• Bishna	:	-do-	4740
• Jammu town	:	-do-	2,23,361
• Ranbir Singh Pura	:	-do-	10,481
• Samba	:	-do-	7,960
• Vijaypore	:	-do-	2731
• Baribrahamana	:	-do-	6,099

■ **Kathua District** : Major population centres are :

• Basholi	:	Population	3,875
• Hiranagar	:	-do-	4,805
• Kathua	:	-do-	23,612
• Lakhanpur	:	-do-	1,162
• Palorle	:	-do-	5,397

- **The Shiwaliks** : This area consists of low forested hills with fast flowing seasonal streams. The region is agriculturally poor and settlements are sparsely distributed. This area has two districts as shown below :

• **Udhampur District** : Major population centres are:

* Katra	:	Population	4,573
* Ramnagar	:	-do-	4,075
* Reasi	:	-do-	4,646
* Udhampur	:	-do-	22,909
* Rehambal	:	-do-	5,743

- **Rajauri District** : This area is hilly and covered with extensive pine forests. It has the following townships :

* Nowshera	:	Population	2,843
* Rajauri	:	-do-	8,690
* Thanamandi	:	-do-	2,641
* Sundarbani	:	-do-	1,686

- **Poonch District** has only one town, Poonch, with a population of 14,171. This is a mountainous area located on the lower slopes of the Pir Panjal Range in the Lesser Himalayas region.

Both Rajauri and Poonch districts are on the Line of Control.

- **Doda District** : This region is located at an elevation between 2,500 to 4,500 m. It has bare, steep mountain slopes with tree-clad tops. It is prone to seasonal snowfall. This area borders the Pir Panjal range and provides various routes into

the Kashmir valley over the passes or *Galis* in this range. The area is underdeveloped and agricultural activities are restricted to a short open season. Settlements are sparsely distributed and people living in higher reaches of the mountains are migratory in nature. The main population centres of the district are :

• Banihal	:	Population	1,657
• Bhaderwah	:	-do	6,075
• Botot	:	-do-	2,684
• Doda	:	-do-	5,396
• Kishtwar	:	-do-	7,174
• Tawban	:	-do	2,189

DEMOGRAPHY

The total population of Jammu division according to 1981 census is 27,18,113. The religious composition is as follows :

• Hindus	:	66.32 per cent
• Muslims	:	29.60 per cent
• Sikhs	:	3.68 per cent
• Buddhists	:	0.04 per cent

- **Density** : (approximate) 305 persons per sq km in Jammu district. Density in Doda district is only 36 persons per sq km. Average density in Jammu Division is between 100-160 persons per sq km.
- **Literacy Rates** : In Jammu Division only 30 per cent are literate. Female literacy is even lower — 23.13 per cent. The literacy pattern shows that the majority of literates are educated only upto the primary level. Jammu district has the highest literacy rate — 42.85 per cent.
- **Languages** : Main language is Dogri; Punjabi is also spoken. People in areas like Poonch, Rajauri, Bhadarwah and Kishtwar use various Pahari dialects.
- **Communication System** : Jammu is connected with Srinagar and Pathankot by a Class 70 road

(which can take the heaviest kind of vehicles, upto 70 tonnes). The other roads connecting district towns in Rajauri, Nowshera, Poonch are generally Class 9 (can take heavy trucks). A second road parallel to the National Highway connecting Jammu with Udhampur runs from Battal to Domel - Udhampur. The railway line which ran upto Jammu has now been extended upto Udhampur but is not fully operational as yet. The main mode of transportation is lorries and trucks, as railway lines do not cover hill districts.

LADAKH DIVISION

- **General Area** : Lies to the northeast of the Greater Himalayan range and Himachal Pradesh. The total area is estimated to be 96701 sq kms. The area is really a high altitude desert at an average elevation of 5,300 m divided by high mountain ranges. As described below, majority of the population is Buddhist. Leh and Kargil are the only two districts; these are also the main towns.
- **Climate and Rainfall** : It is an area of extreme cold and very low precipitation. The rainfall is generally only in the lower valleys in summer; rest of the area gets snow throughout the year, which stands due to extreme cold climate. The average precipitation of 5 cms a year is confined to winter period. Average temperature at Leh varies between 8°C (Aug) to -16.5°C (Jan) in winters.
- **Road Communication** : A single highway connects Kargil and Leh. The precipitation in this area being limited it remains open most of the year. From Leh two roads lead to Tibet border or LAC* with China. One road crosses the Ladakh range over Khardungla Pass (about 19961') which is supposed to be the highest roadway in the world. Another road crosses Changla Pass (above 19616'). Beyond Ladakh range road communication exists mainly for the Army, as there is hardly any civilian movement in this area. A road connects Leh to Manali now, (this has been described earlier).
- **DEMOGRAPHY** :

Majority of the population is Buddhist. The total population is merely 134372 divided as under :

- Leh : 68380
- Kargil : 65992

The density of population is extremely low. In Leh district the density is only 2 persons per sq km, and Kargil district has 5 persons per sq km.

The religious composition is as under :

• Buddhists	50.88%
• Muslims	46.05%
• Hindus	2.63%
• Sikhs	0.24%

Muslim (predominantly Shias) population is mostly confined to Kargil district and the Buddhists to Leh district.

■ **Literacy Rates** : In Leh literacy is 25.16 per cent. Female literacy is 12.09 per cent. In Kargil 18.85 per cent are literate, only 3.14 per cent females are literate. In both the districts only 2.72 per cent are graduates or above, majority is below primary level. Overall literacy rate in Ladakh is 22.06 per cent. Female literacy rate is 7.74 per cent.

■ **Language and Culture** : Ethnically the people of Leh district are closely related to Tibetans. The main spoken language is Ladakhi. Buddhist cultural norms prevail in Leh district. In Kargil people speak 'Shina' or 'Bhatia' or a mixture of Pahari-Shina - Bhatia. The religion here is 'Twelver Shia' which is quite distinct from that of the valley but akin to the people of Baltistan (under Pak occupation now).

A brief mention of the status of Ladakh regarding its struggle to attain the status of an autonomous region not governed directly by the authorities in Jammu or Srinagar maybe made here. Being a remote area with little or no communication system for a long period, Ladakh had been totally neglected by successive J&K governments. It was only when the Army opened up the area that interaction was possible. Good road communications, backed or

supplemented by suitably located airfields for the army have helped open up various remote areas for the inhabitants of Ladakh, as well as for tourists, both Indian and foreign. The quaint beauty of Ladakh and its colourful people attract a large number of tourists. As there is little industrial development the tourism industry is the main source of economic well being and development. Various sources of non-conventional energy could be exploited to provide basic industries. Not enough has been done for this region considering that more than 100,000 crores have been poured into J&K since 1948. This sense of discrimination has stoked the fires of resentment and separatism. It is necessary to vastly improve the existing communication network within the region and to link Ladakh more closely with other regions by air, to provide a better link with the rest of the country. The Leh-Manali road should be made an all-weather highway.

PAKISTAN OCCUPIED KASHMIR (POK)

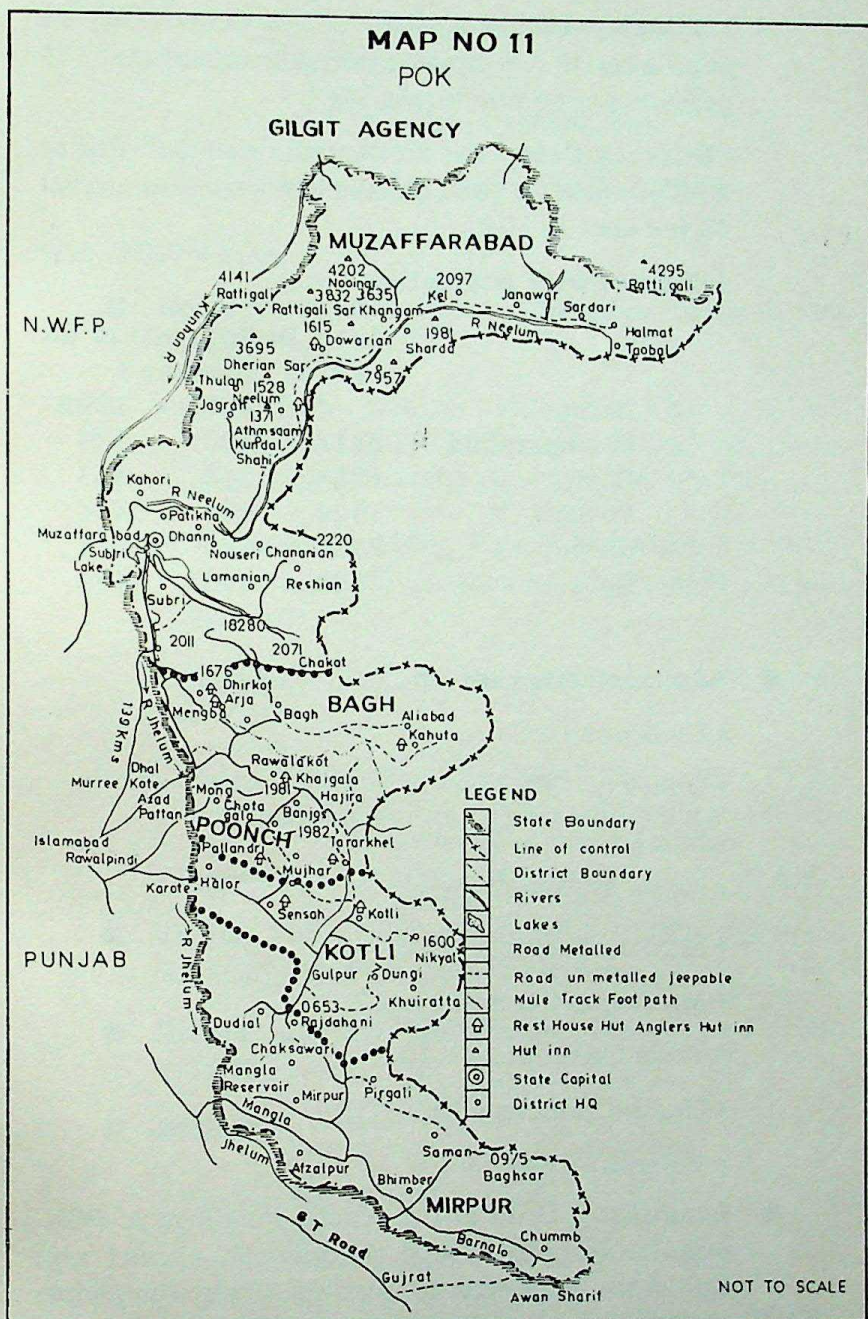
TOPOGRAPHY

- **Area** : 5,134 sq miles or 13297 sq km.
- **Terrain** : Topography is mainly hilly and mountainous with valleys and stretches of plains in some places. The area is full of natural beauty with thick forests, fast flowing rivers and winding streams. The elevation ranges from 360 m in the south to 6,325 m in the north. The snow line is around 1,200 m above sea level while in summer it rises to 3,300 m. The main rivers are Jhelum, Neelam (Kishanganga) and Poonch.
- **Climate and Rainfall** : Climatically POK enjoys a considerable variety. The higher mountains are extremely cold in winter while the summer months from April to September are pleasant. The plains of Mirpur, Kotli and Bhimber are extremely hot in summer with cold and dry weather in winter. The rains are of monsoon type; the average rainfall is 150 cm annually.
- **Administration** : POK is divided into two divisions namely Muzaffarabad comprising two districts (Muzaffarabad and Bagh), and Mirpur comprising three districts (Mirpur, Poonch and Kotli). These five districts are further divided into 17 sub divisions.

DEMOGRAPHY

- **Population** :
 - As per the 1981 census - 1.980 million.
 - Projected population in 1992 - 2.656 million.
 - Almost 100 per cent of the population is Muslim.
 - 91 per cent of the total population is rural and 9 per cent is urban.

In POK, a large percentage are Gujjars who remain on the move for better pastures along with their herds of cattle and sheep.



- **Density of Population** : The density of the population is 199 persons per sq km as against 149 persons per sq km during 1981.
- **Literacy Rate** : The literacy rate was recorded as 28.3 per cent by 1981 census but was estimated at 43 per cent in 1992.
- **District wise population** :

Name	Area in sq kms	Population in thousand	
		1981	1992
* Muzaffarabad	6117	466	626
* Bagh	1368	315	423
* Poonch	1424	407	544
* Mirpur	2526	427	574
* Kotli	1862	365	489

■ Administrative set-up

- Divisions - 2
- Districts - 5
- Sub Divisions-Tehsils - 13
- Police Stations - 29
- Markaz Councils - 30
- Municipal Committees - 7
- Town Committees - 10
- Union Councils - 180
- Villages - 1644

- **Language** : Urdu is the official language of POK. Pehari, Punjabi, Gojri, Hindko, Kashmiri and Kohistani languages are also spoken by the people of POK.

- **Communications** : The communications in POK can be described as under :

- Southern POK - Jhelum to Murree;
- Western POK - Murree to Nanga Parbat.

SOUTHERN POK

- **Road communications** : The major roads in this sector are as under :

- Rawalpindi - Kahuta - Pallandari - Kotli - Nikial. Cl 24 AW (All Weather) upto Pallandari; thereafter Cl 9. (Can take heavy trucks of all kinds);
- Rawalpindi - Mang Bajri - Rawalkot - Hajira - Dwarkandi. Cl 9. (Can take normal truck and lorries);
- Rawalpindi - Holar - Gulpur - Samani - Sadabad. Cl 9 AW;
- Kotli - Mirpur - Bhimber - Chhamb : Cl 40 metalled. : (Can take heavy vehicles and tanks);
- Rawalpindi - Kohala - Muzaffarabad. Cl 40 AW.

- **Terrain Potential** : Terrain lends itself to restricted employment of mechanised forces.

- **Rivers** : Jhelum, Kishanganga (known as Neelam in POK);

- **Railways** :

- Rawalpindi - Kohat BG 177 km;
- Rawalpindi - Jhelum BG, double lane;
- Rawalpindi - Havellan MG, single lane, 87 km.

WESTERN POK (Muzaffarabad District)

- **General :** The major mountainous feature is the Pir Panjal range. The range starts from the confluence of Kishanganga and Jhelum and runs south-east. The average height is 4,000 m. This sector has smaller ranges which run east and north of Uri. Important passes are Jarma Ki Gali and Hajipir.

- **Road communications :**

Major roads are as under :

- Muzaffarabad - Manshera
- Muzaffarabad - Athumugam - Kel - Taobat (Neelam valley). Runs along the bank of Kishanganga;
- Muzaffarabad - Domel - Chakothi. Runs along the southern bank of Jhelum river and goes upto Chakothi;
- Muzaffarabad - Kohala - Bagh - Dhuli - Aliabad - Hajipir Pass to Khojabandi;

ECONOMY

- **Development Programme :** At the time of partition in 1947 the economy in POK was on subsistence level. It was only in the early 1970s that the pace of development was accelerated in right earnest. It showed a quantum jump, and allocation was boosted to almost three times during the Fifth Five Year Plan. As a result of higher financial allocations and concerted efforts for the development of the area, an impressive progress has been achieved in all sectors. The Seventh Plan (1988 - 93) envisaged a developmental outlay to POK to the tune of Rs. 5,219.800 million excluding 510 million for special development programme. The POK Budget for

1992-93 has the following highlights :

• Total Outlay	-	4.672	billion
• Development Expenditure	-	3.471	-do-
• Non-Development Expenditure	-	3.201	-do-
• Income	-	1.635	-do-
• Deficit	-	1.566	-do-
• Sector-wise allocations :	-		
* Agriculture	-	24	million
* Animal Husbandry	Rs.	15	-do-
* Forestry	-	52	-do-
* Industries	-	25	-do-
* Health	-	82	-do-
* Local rural devp.	-	170	-do-
* Devp project incl rds	-	85	-do-
* Rural devp projects	-	530	-do-

- **Per Capita Income** : Recent survey (1991-92) put the average annual household income at around Rs. 41,000 to 72,000 i.e. Rs. 5,000 - 8,000 per capita.

- **Agriculture** : The total area under cultivation is around 171,402 hectares which is 13 per cent of the total territory. The average farm size is only 1.4 hectares, half of which is cultivated whereas the other half is a wasteland including forests. The major crops are maize, wheat, rice and millet. In other terms, POK can be classified amongst food deficit areas. Grains are pumped in from Punjab to meet the balance requirement and sold at subsidised rates. The area under fruit cultivation is about 7,996 hectares. The important fruits are apples, pears, apricots, walnuts and plums.

- **Forests** : The area controlled by Forest Department is about 566,969 hectares which is about 42.6 per cent of the total geographical area as compared to 30 per cent of public forest land in Pakistan. 378,560 hectares is under productive forest. The important species of trees are Deodar, Kail, Fir, Spruce and Chir.

- **Power** : At the time of independence, power facility

was practically non existent in POK. However with concerted efforts, by 1992 the per capita electricity delivered for consumption in POK was 175 KWH. The total installed Grid Capacity is 156 MVA. The transmission lines have been extended to 1,378 villages and about 241,723 consumers have been provided with electricity.

- **Industries** : In the field of industries, efforts are at hand to develop sericulture, woodwork and carving, wool-weaving, plantation of mulberry plants, cane-cutting and polishing units, cold storage plants, mini cement plants, soda ash units, fruit processing and canning units and graphite processing. In the private sector, scooter assembly plants, cotton spinning mills, match factories, textile weaving units have been given permission to develop. There are a total of 7 industrial estates, 60 vocational institutes and 610 private industries.

POLITICAL AND ADMINISTRATIVE SET-UP IN PAK OCCUPIED KASHMIR

Historical Background : Consequent to the Indo-Pak conflict of 1947, Pakistan had gained control of the Western and Northern parts of the State of Jammu and Kashmir. Early in October 1947 a provisional Republic government was set up in the occupied Kashmir State with headquarters at Muzaffarabad. While Sheikh Mohammad Abdullah was appointed Prime Minister of the Provisional Government of J & K, the leader of the parallel government in POK was Sardar Ibrahim (Muslim Conference), a leader of the militant Sudhan tribe, who called himself President of the Provisional Government of J & K.

Political Developments in POK 1949 - 1969 : In May 1950, Ali Ahmed Shah (J & K Muslim Conference) succeeded Sardar Ibrahim as President. The Kashmir Muslim Conference (Ibrahim) launched a violent civil disobedience movement against the POK administration, which was stamped

down by Pakistan, by November 1950, by employing a battalion of Baluch Regiment. Pakistan Government selected Mir Waiz Yusuf as caretaker President in 1951.

In October 1952, Rules of Business were adopted which made the POK Administration completely subservient to the Pakistan Ministry of Kashmir and Home Affairs. A large number of Pak civil servants were appointed at key posts in POK. After the arranged induction of Khan Abdul Hamid Khan, Chief Justice of POK, by Pakistan Government as President on 5 Aug 1964, the J & K Representation Act 1960 became null and void. This act allowed limited franchise in POK, and was on identical lines of the basic democratic system then prevalent in Pakistan.

A new act known as Azad J & K Government Act 1964 was then promulgated. Under the provisions of this Act the State Council was to consist of 8 members, all belonging to occupied territory (six of whom were elected members and remaining two could be nominated or elected). The number was subsequently increased to 10, in the second half of 1965 and to 12 in 1968. The main function of the Council was confined to developmental work but in actual practice it did not exercise any real power. The Government was virtually autocratic, the real power lying with the advisors appointed, by the Government of Pakistan.

In 1969, after the resignation of President Abdul Hamid Khan, Brigadier (Retd) Abdul Rahman Khan, a nominee of the Pakistan Government was appointed as President. A three member Presidential Cabinet was formed and an Election Commissioner appointed.

Progress of Constitutional Set-up in Occupied Kashmir 1969-1970

The Northern Areas of Gilgit and Baltistan and POK

have had separate administrative arrangements almost since the date of their inception. The administration in POK is conducted through a puppet Government. Martial law imposed in Pakistan on 25 March 1969 had not been extended to POK though all political activities in the form of processions and meetings ceased in POK. Actual power in POK vests with the Pakistan Government under the fiction of controlled democracy of the type obtaining in Pakistan by promulgation of the Basic Democracies Act 1961, the Presidential Election Act and the Electoral Bodies Disqualification Act 1961.

Azad J & K Government Act 1970

Promulgated by the Government of Pakistan in 1970. This Act provided for a 25 member Legislative Assembly and a President for POK, to be elected directly on the basis of adult franchise for a term of four years. It envisaged limited legislative and budgetary powers for the Assembly and stipulated that the POK President or the Assembly would not exercise their powers in a manner which may impede or prejudice the responsibilities of Pakistan Government concerning the UN resolutions on J&K or matters pertaining to the defence or security of POK. The 25 legislators were to be directly elected.

Some political leaders wanted the elections to be extended to Gilgit and Baltistan also as they claimed these areas to be part of POK. The Pakistan Government, on the contrary, has treated Gilgit and Baltistan as a separate, centrally administered political entity. Various constitutional and legislative measures and enactments introduced covered the areas referred to as POK but did not include the territories of Hunza - Gilgit and Baltistan which are treated as Federal administrative areas by Pakistan. The POK Act of 1968, POK Government Act of 1970 and new Interim Constitution of POK Act of August 1969 and Interim

Constitution 1974 do not cover these Northern Areas.

New Constitutional Set-up 1974

On 10 June 1974, after an accord with the political parties Pakistan Government announced a new legislative arrangement for POK which included 42 members (2 women). The Legislative Assembly elected directly on the basis of adult franchise for a term of 5 years and elections to be held in the first week of November 1974 (subsequently held in May 1975) and a 13 members council headed by the Prime Minister of Pakistan as its President and the POK President as Vice President. The Pakistan Prime Minister would nominate members to the council and the POK Assembly would elect six members to it. The constitution also provided for the election of the Prime Minister who would be elected by majority vote of POK Assembly. The Legislative Assembly unanimously passed the Interim Constitution of POK on 24 August 1974. The POK Assembly also passed the election of Presidential Election Bill on 25 August 1974 providing for the election of President directly on the basis of adult franchise.

A 13 member council replaced Pakistan Ministry for Kashmir Affairs to coordinate and work out all arrangements involving Pakistan and POK. The decisions of the council would be issued in the name of President of POK and issued through a secretariat under Federal Minister of Pakistan and two special assistants chosen from the elected members of the council. The council will frame policy and have all powers — legislative and executive — to deal with subjects which are reserved exclusively neither for the government of Pakistan under responsibilities assumed by it under the UN resolutions nor for the POK Legislative Assembly. Following were elected in the council :

■ POK Council :

- PM of Pakistan - Chairman
- President of POK - Vice Chairman
- 5 members nominated by PM of Pakistan from amongst Federal Ministers and members of Parliament.
- PM of POK
- 6 members elected by the Assembly of POK.

The first amendment to the Interim Constitution of POK was passed on 5 November 1975 at a joint sitting of the POK Assembly and the 14 member POK Council. The amendment related to the direct election of the President by simple majority of the joint session of the council and assembly, replacing the earlier system according to which the President of POK was elected through adult franchise.

Administration

POK is administered by the Ministry of Kashmir Affairs Government of Pakistan, the ex-officio Joint Secretary of which is the Chief Advisor to POK Government. His powers are so absolute that his prior approval is necessary. POK Government has no powers to frame policies. The sanction of the Home and Kashmir Affairs Ministry was required for legislation enactment of statutory rules, appointments, question of general policy, budget, internal security, matters involving heavy financial commitments of public property, public debts and loans, forest schemes, important matters recalling to civil supplies and a wide range of other activities.

A senior officer from Pak Civil Services is loaned to the POK Government as the senior secretary to the State Council and consequently a keyman in the administrative set-up in POK. All the key appointments in the administrative machinery are held by officers loaned by the Pakistan

Government. The local administration has no control or jurisdiction over the armed forces and para-military forces deployed in POK.

Relations with Pakistan : There is no constitutional relationship between POK and Pakistan. This is clear from the Pakistan High Court judgement (Appendix 'A'), according to which the Pakistan High Court, and therefore the Pakistan Government, by implication, has no jurisdiction over POK. The United Nations Commission recorded its view that POK has no international status. Article 221 of Pakistan's 1952 Constitution, however, states that when the people of the State of J & K decide to accede to Pakistan the precise relationship between the two units shall be determined in accordance with the wishes of the people of Jammu and Kashmir.

Foreign Policy : As stated earlier POK has no international status and even the Government of Pakistan has not formally recognised it as such. The UN Commission for India and Pakistan refused to accord *de facto* or *de jure* recognition to the POK Government. POK can, therefore, have no external relations of its own. The government of Pakistan surrendered over 2,000 square miles of the Northern Areas to China in a border agreement which was signed by the two Governments in March 1963. This act was not valid in law since Pakistan has no common border with China.

The geographic layout of POK, the 'shrimp shape' provides depth to vital Pakistani territory. Islamabad itself and the atomic complex at Kahuta are too close to the POK border for Pakistan to accept an independent Jammu and Kashmir or a J & K inclusive of POK with the Republic of India. In addition, Mangla Dam and its complex have become vitally important for Pakistan's economy and cannot be bargained. Even though POK, as discussed earlier, is ostensibly an independent state, the control on it is very tightly managed from Islamabad.

Strategically POK and the Northern Territories today provide for Pakistan a stability in its existence which it's four provinces do not. Recently, however, the Sunni versus Shia trend in society and the growing disenchantment of POK with the stepmotherly treatment from Islamabad has generated discontent.

NORTHERN AREAS

General

The area lies to the north of the Great Himalayan watershed. The area includes parts of Karakoram and Ladakh ranges. The important passes are Mintaka, Khunjrab, Shimshal, Muztagh on the Karakorams; Gansela and Chorbatla (Ladakh range); Babusar, Ratu Gali and Burzil Pass (Deosai range).

■ Road Communications

- Karakoram Highway - Havelian - Thakot - Chilas Gilgit - Khunjrab Pass. Approximate length 774 km, width 7 m, blacked topped, AW, two lane upto Gilgit and fair weather from Gilgit to Khunjrab Pass;
- Gilgit - Skardu;
- Skardu - Yagho - Tolti - Kargil. Metalled road upto Marot and between Marot and Kargil (short of Kargil);
- Skardu - Khardu - Khapalu - Siari - (leading to Siachen bases along the Shyok river);
- Gilgit - Astor - Kamri - Gurez. From Gilgit to Astor; from Astor to Gurez there are two routes as under:
 - * Astor - Rattu Cantt - Kamri - Dudgal;
 - * Astor - Chilam Chauki - Burzil Pass - Dudgal;
- Muzaffarabad - Rattu Cantt; from Muzaffarabad to Nauseri; from Nauseri to Kalalot; from Kalalot to Rattu Cantt;
- Burzil - Gultari - Shaqma. Burzil to Gultari. From Gultari to Shaqma;
- Khapalu - Dansam - Goma - Gyong.

- **Terrain** : Due to the high relief and rugged mountains movement of vehicles is confined only to roads/tracks, and on account of the heights and climate in this area movement is restricted to the months when the passes are open. Because of frequent disruption in communications owing to rain, flash floods or snowfall, the areas get isolated.
- **Administrative set-up** : Northern Areas are not a part of POK but directly under the government of Pakistan. A writ petition was instituted on 16 October 1990 in the High Court of Judicature of Azad Kashmir by various parties in Azad Kashmir which sought to bring the Northern Areas under the administrative control of Azad Kashmir Government. The case was long drawn; however a decision in favour of the petitioners was given by the High Court on 8 March 1993. Pakistan Government filed an appeal in the Supreme Court of Pakistan and there the case rests presently. The proceedings of the case however bring out various important facts, as well as the views the people in POK and Pakistan have of the Kashmir problem as well as the view of the people in POK and Pakistan have of the Kashmir problem. These also throw light on various historical events, although they propagate POK or Pakistan's viewpoint.

MAJOR INFERENCES WHICH CAN BE DRAWN FROM THE GEO-POLITICAL STUDY OF J & K

- The terrain and the geography of J & K militate against an autonomous state or an united independent State, as the culture, ethnicity and socio-political milieu of every region has been effected by the constraints imposed by geography and terrain. The virtual partition of the state after the ceasefire in 1949 has further accentuated the differences among various regions.
- From the geo-strategic importance of J & K as a whole, and its various regions, it is evident that it occupies a unique position in the subcontinent. India cannot afford to give away any of the three regions.
- Besides Pakistan, China also has a major strategic interest in J & K, particularly in Ladakh and Northern Areas.
- A geographical study of the valley makes it evident that Kashmir valley cannot sustain itself without surface routes from Pakistan or India.
- The terrain in Jammu, Poonch and Doda districts is well suited for insurgencies and guerrilla warfare.
- Ladakh region is of major strategic value to India, China and to Pakistan. Any foreign power which is allowed bases in this area can effectively interfere with Chinese Tibet and Xingjiang regions, Pakistan and India.
- The CFL or Line of Control created through two agreements with Pakistan does not follow a viable

geographic line; and the vagueness of the LC in Siachen area has to be eliminated and a new line drawn right up to the main Karakoram range.

- It is not desirable from the logistical point of view to leave the Siachen problem unsettled. However, it should be seen in the context of the overall J & K problem and not by itself.
- We must try and resolve the Aksai Chin issue with China peacefully, as it is a major problem to face two fronts in Ladakh, a region which is a logistical nightmare.
- A detailed knowledge of topography, weather conditions and population complex of various regions is essential for anyone dealing with the J & K problem. This aspect is at present not fully appreciated.

NOTES

1. Geo-political study has been based on : WADIA, DN AND WEST WD "The Structure of Himalayas". International Geological Congress Abstracts 22nd Session, India, 1964.
2. All statistics on topography have been excerpted from Census of India. Regional Divisions of India — A Cartographic Analysis, Occassional Papers Series-1, Vol. VIII, J&K Page 27.
3. All statistics on population are based on Census of India 1981; Series 8 J&K.

PART 2

A SOCIO-POLITICAL OVERVIEW

SECTION ONE

HISTORICAL BACKGROUND OF POLITICAL TURMOIL IN KASHMIR VALLEY : 1905 - 1965

The internal problems of J & K flow from various historical experiences of its people from 13th century onwards, due to ruthless Muslim regimes and raids of warring chieftans from Central Asia. It was only during the Moghul rule that relative peace prevailed. However, as Sufism was preferred to orthodox Islam in the valley, the later Moghuls came down against the local population with a heavy hand. The Hindus in the valley, at one stage (1675) implored Guru Teg Bahadur to come to their aid. The cruelest and the most ruthless regime was however that of Afghans from 1752; which was brought to an end in 1819 when Maharaja Ranjit Singh established his rule. The Dogra rule though more benevolent than that of Afghans or Pathans, nevertheless caused a certain section of Hindus to dominate the Kashmiri Muslims. The practice of *Begar* and the system of collection of revenue left many options for ruthless suppression and cruelty open to officialdom. At a certain stage Hindus alone were entitled to possess firearms,

and cow slaughter was made a capital offence. The state also interfered with the administration of Muslim shrines.

The rule of Dogras was neither particularly cruel nor benevolent; however in later years due to growing Hindu-Muslim divide in the subcontinent, Muslims of Jammu and Kashmir resented Dogra rule and showed tendencies of separatism.

The historical background of the Muslims of J & K, particularly those of the valley, suggests the development of a 'ghetto' mentality, wherein an oppressor had to be created with a view to building up resentment against any established authority.

In 1905, the Mir Waiz of Kashmir, Maulvi Rasul Shah founded the 'Anjuman-i-Nusrat-ul-Islam' with the aim to better the lot of Kashmiri Muslims and to spread doctrinal Islam. Mir Waiz, by virtue of his position as politico-religious head of Kashmiri Muslims enjoyed a large measure of support and commanded respect from the common man. However, in Srinagar there were two Mirs Waiz, one based at Jama Masjid (of the Hanifite school) and the other at the shrine of the saint Mir Syed Ali Hamadani or Shah Hamdani at Khangah-i-Maula (of the Shafite school). 'Anjuman-i-Nusrat-ul-Islam' introduced the agitational approach to project the grievances of Kashmiri Muslims. In 1920, Mir Waiz Ahmad-ullah Shah, who was conservative and rigid also became involved in a long drawn dispute regarding Qaidianis (now declared as non-Muslims in Pakistan) and their status.

On the other hand, Mir Waiz Shah Hamdani allowed the visiting Qaidiani Chief, Mirza Kamal Uddin, liberty to preach publicly, though Mir Waiz Ahmed-ullah Shah considered him a non-believer. This was according to some commentators the first battle between Islamic liberals and the fundamentalists. Later, various *anjumans* mushroomed in the valley and some even in Jammu e.g.

Anjumani-Hamdarde-Islam, Anjuman-Islamia etc. Thus, the roots of Islamic politics in J & K date back to 1920. This took the form of mass meetings followed by agitations against the Dogra (non-Muslim) rule. In 1924, the valley was plunged in another crisis—the labour unrest of the State Silk Factory (estd. 1907). This agitation for increase in wages developed communal overtones and was then directed mainly against the Kashmiri Pandit management. This also became a platform for presentation of various grievances of Kashmiri Muslims: increase in representation in government services, improvement in education, land reforms, abolition of forced labour, protection of Muslim shrines, demand for a legislative assembly with high representation of Muslims etc.

It would not be imprudent to thus infer that the seeds of Muslim separatism were planted from 1920. During this period Sheikh Mohammad Abdullah, Mirza Afzal Beg and GM Sadiq were undergraduates at the Aligarh Muslim University. The valley at this stage was experiencing various agitations, as feelings against the Maharaja ran high, he being identified with Hindu domination. In 1931 things took an ugly turn. Communal tension rose to a boiling point because of various rumours which held that a mosque had been demolished in Jammu and the Holy Koran desecrated with the approval of the Maharaja. In Srinagar this caused an outrage; processions, public meetings and agitations followed. In public meetings Abdul Qadeer, probably from the North West Frontier Province, made highly provocative speeches against the Maharaja and the Dogra rule. He was arrested and tried, and thus became the first cult figure and a symbol for violent agitations against the ruler. His trial was forcibly stopped by mobs, police baton charged the crowds and stoning followed. Police then opened fire killing twenty-two demonstrators (all Kashmiri Muslims). More clashes between the state police and agitators followed. To commemorate this event, 13 July 1931 was named 'Martyrs Day' in the valley.

In 1994, it is important to recall these incidents because the mindset of the Kashmiris has not changed and it is easy to assemble large crowds against any government of J & K on 'Martyrs Day', etched deeply in the Kashmiri psyche. Later at the instance of some leading personalities from Punjab, including Sir Mohmad Iqbal (a Kashmiri), it was decided that 14 August would be named 'Kashmir Day' to commemorate the events of 13 July 1931, every year. Mass demonstrations have since been organised on 14 August outside mosques or in public places and this is considered a symbolic fight against oppression and the foreign (ethnic or religious) rulers. Mass demonstrations in 1931 were led by Mir Waiz Mohammad Yusuf Shah and Sheikh Mohammad Abdullah who was then a teacher in a high school near Srinagar.

POLITICS FROM 1931-1947

From 1931 onwards Sheikh Mohammad Abdullah played a leading role in organising agitations against the Maharaja. At this stage he projected himself as a devout (Hanifite) Muslim and appeared to be a protege of Mohammad Yusuf Shah. Both served terms in state prison for their political activities and gained public popularity. Sheikh Abdullah, who had a charismatic personality quickly gained mass support. When he married Akbar Jehan, the daughter of the owner of 'Nedou's Hotel', he also gained riches and a higher social status. Harry Nedou, the owner of a chain of hotels in the valley, was a European with a Kashmiri Muslim wife.

From 1938 onwards Sheikh Abdullah came under the influence of Jawaharlal Nehru and the policies of the Indian National Congress, thus adopting a more secular approach. In 1939 he formally dissolved the Muslim Conference and formed Jammu and Kashmir National Conference. This however created a rift between the Mir Waiz and Sheikh Abdullah. Many conservative associates of Sheikh Abdullah, prominent among them being Chaudhary Ghulam Abbas,

joined Mohammad Yusuf Shah and revived the Muslim Conference in 1941 - which was for all practical purposes aligned with the Indian Muslim League and Mohammed Ali Jinnah. Here we should note that the Muslim Conference enjoyed considerable support within the valley and western districts of Jammu in the 1940s.

In 1939 the Maharaja of Kashmir introduced a new constitution, in a bid to gain popular support and to counter the Muslim agitation, which increased the number of elected members in the legislative assembly to forty. However, communal constituencies of the 1934 constitution still continued. In 1944 the Maharaja appointed two popularly elected members as his ministers, one of whom was Wazir Ganga Ram and the other Mirza Afzal Beg, one of Abdullah's close associates.

In March 1946, Afzal Beg resigned and Sheikh Abdullah spearheaded the 'Quit Kashmir' movement. He declared that the sale of the valley of Kashmir by the British had no legal validity and, therefore, the Maharaja must quit Kashmir. Sheikh Abdullah was arrested and the familiar pattern of protests, processions, *hartals* and police firing killing scores of people repeated itself. Finally, martial law was declared and Sheikh Abdullah was sentenced to three years imprisonment on charges of sedition. During this period the Muslim Conference remained quiet paying only lip service to the 'Quit Kashmir' movement.

When the Maharaja ordered fresh elections to the Assembly (Prajā Sabha) in a bid to cool frayed tempers in the valley, National Conference boycotted the elections but Muslim Conference participated and won 15 of the (elected) Muslim seats, thus becoming the majority Muslim party in the assembly. Although it passed a resolution favouring merger of J & K with Pakistan, a large number of members, including its then President Chauduri Hamid-ullah Khan, retained the option of remaining independent.

The main points to be noted are :

- There has been a communal divide in J & K since 1920;
- The agitational approach has always been followed against 'outsiders'. This has invariably led to violence, police firings on 'Commemoration Days' of the 'martyrs' and more agitations;
- The pro-Pakistan elements have always been active in the valley. They however, were being contested by pro-independence or secular elements and therefore, failed to carry the majority of the population of the valley with them;
- Sheikh Abdullah was being opposed by both — the Maharaja and the Muslim Conference which was supported by the All India Muslim League;
- Religion and religious shrines have always played a major role in Kashmiri politics.

POLITICAL DEVELOPMENTS FROM 1947 - 1965

On the eve of transfer of power in August 1947, Sheikh Abdullah and Mir Waiz Mohammad Yusuf Shah were politically antagonistic. And the Maharaja had still not found the required degree of support in the valley, and was undecided about a merger with India, Pakistan or independence. Finally Sheikh Abdullah won the favour of the Maharaja because it was believed that Muslim Conference leaders would drag whole of J & K into the Pakistani camp. Sheikh Abdullah was seen as a leader who was interested in creating an independent Kashmir, with affiliations with India. At this juncture the tribal invasion from Pakistan precipitated matters; it hastened the release of Sheikh Abdullah from detention and the accession of J & K to India.

ACCESSION AND RUN-UP TO THE TRIBAL INVASION

When the Maharaja failed to decide after August 1947 whether to join India or Pakistan he was merely postponing the day of reckoning. It seems he wanted to remain independent but was not sure if the people of Kashmir would

allow him to continue as the ruler. In fact, Mr Jinnah judging this situation, offered him a solution secretly. Mr Jinnah assured him that if he opted for Pakistan all his rights and privileges would be protected, and ofcourse Sheikh Abdullah and his party would be given no quarter. In the meanwhile the Stand Still Agreement with Pakistan was not working out and India too was undecided. Pakistan, sensing the Maharaja's mood, first applied economic pressure by blockading movements of all essential commodities to the Kashmir valley, which had at this stage only one inlet through the Rawalpindi-Srinagar route.

Next the communal card was played and riots were engineered in Poonch and Jammu districts. However, even before the Maharaja could make up his mind a full-fledged tribal invasion from Pakistan left him with little choice. He sought urgent assistance from Britain and India. Britain, of course, had no inclination to intercede on behalf of the Maharaja nor was it in a position to do so. India, as is well known, agreed to assist the state provided it had some legal sanction to do so; in other words, only after J & K acceded to India could help be provided.

On 15 August 1947, neither of the two governments nor the two armies knew where exactly the frontiers of the two dominions lay. Even on 1 September, when the old Punjab boundary ceased to exist, two infantry regiments which were allotted to Pakistan, continued to guard Muslim pockets in East Punjab. Some British officers left for the UK, while others stayed on with their regiments in India and Pakistan. This was the state of affairs in August-September 1947 when the Pakistan-sponsored tribal invasion started. Even before the two countries could settle down and reorganise, Pakistani leaders chose to invade J & K through a tribal force under retired army officers. This move, without doubt, forced the wavering Maharaja of J & K, to accede to India. The modalities of accession and its provisions will be discussed separately. (Instrument of Accession; Article 370 and Commitments of Plebiscite attached at Appendix 'D').

TRIBAL INVASION AND ITS POLITICAL CONSEQUENCES

To begin with a propaganda war was started against the Maharaja, followed by a series of raids on the borders of the J & K state. As the Muslim population of the Northern Areas and Mirpur-Poonch favoured merger with Pakistan these could be annexed by the raiders without much resistance. When the Maharaja still refused to yield, a full-fledged invasion followed. The first major attacks came in the Poonch district, when the road from Kotli to Poonch was cut off. The so-called 'raiders' were mainly *Mahsuds* of NWFP, lead by retired Army officers of the newly formed Pakistan army.

On 22 October 1947 hordes of tribesmen, organised into armed units with machine-guns, mortars and other infantry weapons attacked both the valley of Kashmir and the Jammu province. *OP Gulmarg*, the clandestine Pak invasion of the valley was now in full swing. The stages of this attack and the beginning of the 1947-48 war can be summarised as under :

- Local raids in Jammu and Poonch areas : *September-October 1947* along with communal riots;
- Attack on Mirpur-Kotli: *October-November 1947*;
- Annexation of Gilgit and Skardu and raid towards Leh : *August - November 1947*;
- Major attack on the Kashmir valley along the main Rawalpindi- Srinagar road with Srinagar as its objective; code name *Gulmarg*: Last week of *October 1947*. Gurez and Tithwal were also simultaneously attacked;
- Major attacks in Jammu province from Poonch to Bhimber in *October 1947*.

This invasion was strongly resented by the Muslims of the Kashmir valley. At this stage the mood was totally anti-Pakistan here and Sheikh Abdullah was riding the crest.

Towards the end of 1947 he had formed an emergency administration which assisted the Indian Army to throw out the raiders and the Pakistani Army from the Kashmir valley and major parts of Jammu and Poonch by December 1948. After protracted negotiations a cease fire was finally effected on 1 January 1949, in accordance with a UN resolution. The salient points of this resolution are worth noting.

This resolution was in three parts as under :

- Part I : Cease Fire order 'Agreement on cease-fire'.
- Part II : Truce agreement, withdrawal of Pak troops/tribals from entire J & K state.
- Part III : The governments of India and Pakistan reaffirmed their wish that the future of the State *shall be determined in accordance to the will of the people.*

(The full text of the UN resolution is attached at Appendix 'E')

This resolution in turn led to the Karachi Agreement between the military representatives of India and Pakistan. The aim of this meeting was to establish a cease fire line (CFL) in the state of Jammu and Kashmir. This meeting was to be specifically for military purposes and political issues were not to be discussed. This agreement, reached in July 1949, defined the exact alignment of the CFL as agreed upon by both sides. The UN Commission for India and Pakistan (UNCIP), which was now operative was free to station observers where it deemed necessary. (The full text of 'The Karachi Agreement' is attached at Appendix 'F').

A couple of points which would be noted after the perusal of this document are :

- The composition and the purpose of the meeting was purely military and political issues were not on the agenda.

- The cease fire line was defined in great detail upto Dalunang, but beyond this point a general line was drawn from Point 15495 to Khor. From Khor the line remained undefined by the statement 'thence North to the glaciers.' Even a rough alignment or map reference beyond Khor (9842) did not figure.

Both the above mentioned factors have a bearing on later developments in the Siachen Glacier area and will be discussed further.

POLITICAL DEVELOPMENTS FROM 1947 - 1953

The views of India and Pakistan have always differed regarding the finality of accession; however the following quotations from Jawaharlal Nehru on the subject are of interest.

- "I should like to make it clear that the question of aiding Kashmir in this emergency is not designed in any way to influence the State to accede to India. Our view which we have repeatedly made public is that the question of accession in any disputed territory or state must be decided with the wishes of the people and we adhere to this view. (Quoted by Field Marshal Ayub Khan in *Friends Not Masters*, a political autobiography (London 1967) p. 242; as a telegram from Jawaharlal Nehru to Liaquat Ali Khan).
- "Our assurance that we shall withdraw our troops from Kashmir as soon as peace and order are restored and leave the decision regarding the future of the state to the people is not merely a pledge to your (Pakistan) government but also to the people of Kashmir and to the world." (Jawaharlal Nehru in 1948 *White Paper* P IV No. 8).

The above statements have been quoted by various pro-Pakistan writers and lobbyists to indicate that the

accession was conditional. Additionally, these have encouraged separatists in the Kashmir valley to initiate various movements since 1947-48.

When Sheikh Abdullah was invited to form an emergency government in October 1947 members of his ministry were Bakshi Ghulam Mohammad, Mirza Afzal Beg and GM Sadiq, SL Saraf, GL Dogra, Col Pir Mohammad and Sardar Budh Singh. There however remained one duality in the system — MC Mahajan still remained the Prime Minister of the state.

Sheikh Abdullah and his National Conference associates in the 'emergency cabinet' were bitterly opposed to the Prime Minister and ofcourse the Maharaja himself. Sheikh Abdullah's political ideology was far from clear. It now seems that he hoped to gain power only to demand independence later. For Kashmiris Sheikh Abdullah had become the new messiah who had not only launched land and social reform programmes for the uplift of the people of the valley but also promised complete independence.

Eventually MC Mahajan quit in March 1948, and Maharaja Hari Singh himself had to leave in June 1949, under pressure from Sheikh Abdullah and the Government of India. He handed over power to his son Yuvraj Karan Singh, who was appointed as a constitutional head and elected Sadr-i-Riyasat for a five year term by the 'Constituent Assembly' (and later by the Legislative Assembly).

Gradually, Sheikh Mohammad Abdullah began working again toward an independent Kashmir, a view that he had held since 1944, visualising an Asian Switzerland. Ofcourse, he paid no attention to the views of the people of Ladakh or Jammu. It can be assumed that he wanted a semi-autonomous dependency, perhaps in alliance with

• Various UN resolutions on J&K 1948-71 have been attached at Appendix 'G'.

India. In 1950 Sheikh Abdullah was swept off his feet by another current. He held a secret meeting with the then United States Ambassador to India, Loy Henderson and discussed the future of Kashmir with him. Loy Henderson, reported after his secret visit to Kashmir that "in discussing the future of Kashmir Abdullah was vigorous in restating his opinion that it should be independent; that an overwhelming majority of population desired this independence; that he had reason to believe that some Azad Kashmir leaders desired independence and would be willing to cooperate with the leaders of National Conference if there was reasonable chance such cooperation would result in independence."¹

In October 1951 when the J & K Constituent Assembly was convened, Sheikh Abdullah's sympathisers and his party won all the seventy-five seats that they contested. Twenty-five seats reserved for POK, of course remained unfilled. The Constituent Assembly was an elected body and reflected the will of the people at that stage. But Sheikh Abdullah gave an impression to his people that the Constituent Assembly was a sovereign body, quite independent of India's constitutional ties.

Later in May 1953, when Sheikh Abdullah met Adlai Stevenson in Srinagar, he openly expressed similar sentiments. On India's part it continued to give Sheikh Abdullah and the people of the valley undue importance, ignoring basic facts and continuing to depend upon personalities without ever trying to reach the people or indigenous local leaders either in Jammu or in Kashmir. Sheikh Abdullah, on his part, talked in different languages to different people. With Jawaharlal Nehru he was a secularist who wanted the closest association with India. With leaders of the western world he always talked of an independent Kashmir. In Kashmir valley he showed himself as a devout Muslim who would accept nothing short of

independence.

In July 1952 Sheikh Abdullah signed the Delhi Agreement which was meant to clear certain constitutional uncertainties. He, however, declared that though the agreement specified that J & K was a part of India, yet it enjoyed various unique privileges. Indeed, in a way he was right as special arrangements were laid down to elect a Sadr-i-Riyasat and Article 370 gave J & K a special status. Some other points of the Delhi Agreement were :

- Commitment to Article 370
- The President would be the head of state of the whole of India, including Kashmir.
- Kashmir would have a Prime Minister.
- Kashmir would be allowed its own flag, but not as a rival to the tricolour.

Little wonder that Sheikh Abdullah once stated in August 1952 that "it is ofcourse for the Constituent Assembly, which is seized of these matters, to determine the extent and scope of the state's accession to India. The assembly may agree to continue this relationship on the present basis or extent of its scope as it might like and consider feasible or proper."²

In 1952 although Sheikh Abdullah had placed the Indian leaders and the government without option he did not have the courage to start an open campaign for independence. He, however, made sure that in this game Pakistan had no *locus standi*, though a segment of people in the valley had sympathies with Pakistan. The proponents and sympathisers of Muslim Conference were dormant at this stage.

By now several leaders in Delhi, including Rafi Ahmed Kidwai and DP Dhar, were watching the attitude of Sheikh Abdullah with grave apprehension. The handling of the

discontent, agitations in Jammu and Ladakh, Dr Shyama Prasad Mukherji's death in Srinagar while in custody, all worked at having a cumulative effect. It appeared that Sheikh Abdullah was seeking some radical solution to make J & K, or at least the Kashmir valley, into an independent state, as reflected by various discussions held by the working committee of the Constituent Assembly. Even Jawaharlal Nehru, after he visited Sheikh Abdullah in May 1953, was convinced that Sheikh Abdullah was bent on creating a constitutional crisis for India. On the night of 8-9 August 1953 Sheikh Abdullah was, therefore, removed from power and Bakshi Ghulam Mohammad sworn in as the chief minister.

Sheikh Abdullah's arrest on 8 August 1953 led to several agitations and protest marches which shook the state, but, Bakshi Ghulam Mohammad rapidly managed to control the situation. Pakistan, of course, now showed much concern for Sheikh Abdullah and as a show of solidarity with him even cancelled the Pakistan Day celebrations scheduled for 14 August 1953.

In February 1954 the Constituent Assembly of Kashmir confirmed the legality of accession to India. In 1957 the constitution of J & K became formally operative with a bicameral legislature. Now the Supreme Court and Comptroller & Auditor General of India were given jurisdiction in the state. The constitution declared that "The state of Jammu and Kashmir is and shall be an integral part of the Union of India."

Whatever his other attributes Bakshi Ghulam Mohammad was able to control the law and order situation in the valley and to work for greater integration of the state. He was, however, unable to fully win over the people and establish political stability. Opposition to him was being built up and Mirza Afzal Beg, then a trusted lieutenant of Sheikh Abdullah formed the 'Plebiscite Front.'

To add further flux to a tender situation Sheikh Abdullah and his well wishers were now once again gaining favour in Delhi and it was decided to release him from detention in January 1958.

Immediately on release Sheikh Abdullah made several provocative statements which openly advocated plebiscite. In February 1958 he declared :

"One of the most important objects underlying the entire political movement in the state, has remained to secure the right of self-determination for the people of the state."³

Several such statements and other actions landed Sheikh Abdullah back into prison. Mirza Afzal Beg was also arrested on charges of conspiracy and collusion with Pakistan. The seeds of sedition and anti-Indian feelings were now being sown by the very same people who, while in power, had supported the integration of J & K with the Union of India. In the meantime Bakshi Ghulam Mohammad was growing steadily more authoritarian and corrupt. Elections were held under the new constitution in March 1957 for the Legislative Assembly. National Conference won 68 seats (5 seats were won by Praja Parishad). In the 1962 elections National Conference secured 70 seats. Immediately after the election, on 3 October 1963, Bakshi Ghulam Mohammad announced major changes in the constitution of J & K. Hereafter the Sadr-i-Riyasat was to be called 'Governor' and the Prime Minister of Kashmir was henceforth to be called 'Chief Minister'. Direct elections to the Lok Sabha from J & K were also proposed.

However, on 4 October 1963 Bakshi Ghulam Mohammad was dismissed under the Kamraj Plan, and a political lightweight, Khwaja Shamsuddin was made CM. The situation in the valley now started deteriorating fast and matters came to a head on 26 December 1963 when the sacred relic (*Moe-e-Muguddas*) of the Hazratbal shrine was

stolen. This led to a major turmoil in the valley and demonstrations were even held in Pakistan to protest against the 'crime' of the Government of India. After some days, on 3 January 1964, the relic was mysteriously returned to the Hazratbal shrine. An 'Action Committee' to investigate the loss of the relic, formed under Maulana Syed Masoodi, soon established branches in many parts of the valley and became a coalition of opposition parties. After Sheikh Abdullah was released in 1964⁴ the action committee split, one faction supporting Sheikh Abdullah and Mirza Afzal Beg of the Plebiscite Front and another under Mir Waiz Maulvi Mohammed Farooq opposed to the Sheikh. This group favoured merger of J & K with Pakistan.

The main point to note here is that the holy relic was used by Pakistan to stir up the population in 1963, when India's position appeared weak after the 1962 debacle against China, perhaps as a prelude to 'OP Gibraltar' that was launched in 1965.

As an outcome of all this turmoil GM Sadiq replaced Shamsuddin as the Chief Minister. Sheikh Abdullah was released and some kind of reconciliation was effected with him. He was even allowed to visit Pakistan to meet President Ayub Khan, whence he also visited POK. This move was a direct result of the pressure exerted by western nations, after the 1962 debacle. Jawaharlal Nehru, by now a broken man, suffered a stroke and eventually died on 27 May 1964.

In 1965 Sheikh Abdullah once again resumed his anti-Indian stance. In March 1965 when Sheikh Abdullah along with Mirza Afzal Beg and a few others were given passports to visit Mecca for a pilgrimage they used the occasion to confer with Chou En Lai who had gone to attend the Afro-Asian Conference at Algiers. Because of various anti-national activities and statements made by Sheikh Abdullah the Indian government cancelled the passports of the entourage and recalled them to India. On arrival at Palam Airport, Delhi, Sheikh Abdullah and Mirza Afzal Beg were taken into

custody and flown to Ootacamund. Inevitably there was a sharp reaction in the valley and anti-Indian feelings surfaced again. However, even at this juncture, except for a fanatic fringe, no one was interested in asking Pakistan for help.

It should be noted that the political leadership consistently failed to make any political base in the valley and relied only on different personalities or individuals to run the state. No action was taken to counter- mobilise public opinion or to groom young leaders who would genuinely stand for the merger of the state with India. Having lost the support of Sheikh Abdullah, India thus lost its political foothold in the valley. A most serious flaw in India's J & K policy throughout has been that no steps were ever taken (official or unofficial) to win the hearts and minds of the people directly, outside of the agencies of select individuals.

Unrest in the valley made Pakistani leaders believe that people could now be instigated to a rebellion. Believing this, they yet again made the mistake of invading J & K through a clandestine armed infiltration, hoping to 'liberate' the valley. This led to the second Indo-Pak war.

THE SECOND INDO-PAK WAR : 1964-65 AND ITS POLITICAL CONSEQUENCE

The Indian Army's poor showing against the Chinese in the 1962 border war had created an impression in Pakistan that it would not be able to stand up against the Pakistani forces.

The Indian army was actually yet to recover from the trauma of 1962 and years of neglect had left it without modern weaponry. Their strength was not sufficient to look after two fronts — the Chinese and the Pakistani. A long overdue reorganisation got underway by 1963. Jawaharlal Nehru's death in 1964 had created political uncertainty in the country as Lal Bahadur Shastri was considered weak, a miscalculation by any standard as events were to prove. In Pakistan, President Ayub Khan was well entrenched as he had brought about a semblance of stability in the chaotic

political scene of Pakistan. Liberal American aid and assistance had provided him with the latest aircraft and battle tanks, and by now Pakistan Army had been trained and attuned to go on an offensive over the Kashmir issue. Thus unlike Indian forces, Pakistan Army was a well oiled machine with very high morale. This seemed to be the best opportunity for Pakistan to strike. Despite all these factors being in its favour, Pakistan could not openly attack J & K, and instead again resorted to deception. It is necessary to study this plan* briefly because *it has a direct bearing on Pakistan's current proxy war in Kashmir.*

The plan of invasion and subversion was to be carried out in two stages.

- An attack by armed infiltrators in J & K with a view to seizing power in Srinagar and declaring J & K independent. The plan was to tell the world that it was a local uprising; a Revolutionary Council was to be formed which was to appeal for military assistance from various countries including Pakistan.
- In Jammu, a major offensive was to be launched to capture Chhamb, Akhnoor bridge and if possible Jammu town, soon after the 'coup' in Srinagar had taken place.

A major miscalculation by Pakistan in this endeavour was to believe that Kashmiris would help the infiltrators and rise against the government. The other miscalculation was to believe that India would not counter-attack in Punjab or Sindh, due to its political and military weaknesses.

OP GIBRALTAR : ARMED INFILTRATION

Operational Headquarters for Op Gibraltar was set up in May 1965 in Murree under Major General Akhtar Husain Malik. He had approximately 30,000 men under his command, divided into eight to ten groups, named after famous generals of Islamic history. Each group had a number of

companies equipped with sophisticated radio sets, 30 mm Browning guns, mortars and explosives. They were trained to infiltrate in nominated areas and overthrow the existing regime with the help of Kashmiri collaborators. Their action plan in a nutshell was :

- Infiltration by specially trained troops in J & K with a view to instigating the local population to rise in revolt against the government. A newly formed Revolutionary Council, it was planned, would seek recognition and help from Pakistan and other countries. Recognition to this 'J & K regime' would be accorded by Pakistan immediately and some other countries subsequently.
- At the same time (the next phase) lines of communication to Poonch-Nowshera area were to be interdicted by capturing Akhnoor Bridge by an operation named *Grand Slam*. This move was expected to isolate J & K from the rest of the country.

All the force and sector Commanders were addressed by Field Marshal Ayub Khan during the second week of July. Some 30,000 troops had been trained for the special task from May 1965 onwards. The code name of the whole force was *Gibraltar Force*. This force, launched in the first week of August 1965, was divided into various task forces named after famous Muslim military leaders of the past, as under :

- | | |
|--------------------|-------------------------------|
| ■ Tariq Force | Launched into Kargil area. |
| ■ Qasim Force | Approx. 6 companies |
| ■ Khalid Force | Three columns into Gurez |
| | Into Tithwal Sector - A large |
| | force supported by 400 |
| | <i>Mujahideens</i> |
| ■ K. Force | Uri Sector |
| ■ Salahuddin Force | Launched into Gulmarg, |
| | Srinagar and Mandi (in |
| | Jammu Division) |
| ■ Nusrat Force | Rajauri - Mendhar |

- | | |
|------------------|-------------------|
| ■ Ghaznavi Force | Poonch - Rajauri |
| ■ Babar Force | Nowshera - Chhamb |

The Plan for Declaration of Independence at Srinagar

The Salahuddin force along with some groups was to concentrate in Srinagar on 8 August 1965 and mingle with large crowds assembling to celebrate the festival of the Pir Dastgir, a Sufi saint much revered in the valley. The next day a public meeting and several demonstrations were arranged by the Action Committee for release of Sheikh Abdullah; later an armed revolt or a coup was to be staged. A declaration of 'Liberation' was to be issued by a 'Revolutionary Council' after seizing the radio station and Srinagar airport. The 'Revolutionary Council' was to proclaim on the air that it was the sole and the legitimate government of J & K and would seek help and recognition from all the countries.

The infiltrators were however detected before they could carry out the intended coup. The information came from Kashmiri Muslims themselves, who in general did not respond to the call of liberation. Pakistan at this stage had little mass support in the valley and that is why this ingenious plan failed to take off. In fact no one was quite sure what was going on. Pakistan kept denying its 'involvement' at the top of its voice and called it a local uprising — but there was no local uprising. The point to note was that the US and its allies preferred to shut their eyes and Pakistan was not termed as an aggressor by them.

The Indian counteraction against various advance bases for Pak infiltration isolated the infiltrating columns. Soon these columns were on the run, hunted by the Army and the local police alike. Pakistan at this stage started a full-fledged war by attacking Chhamb (*Op Grand Slam*). After limited success, *Op Grand Slam* also petered out and Pakistan had to go on the defensive once Indian forces went on the offensive in the Lahore sector. A cease fire followed on 23 September 1965. Thereafter, talks were brokered by

USSR in Tashkent. (Tashkent Declaration attached at Appendix 'I').

The Tashkent Agreement signed after the cease fire and the military consequence of the war can be summarised as under.

- All armed personnel of the two countries were to be withdrawn to the positions they had held before 5 August 1965 (when *OP Gibraltar* was launched) and observe cease fire.
- Diplomatic ties and good relations were to be re-established.
- Both sides agreed to continue meeting at the highest level on matters of direct concern to both countries.

In J & K India lost many tactical and political gains because of the Tashkent Agreement. In the valley the situation created by Sheikh Abdullah's detention however eased. The USA, Pakistan's main strategic prop failed Pakistan's aspirations and, as a result, closer ties were established between Pakistan and China. The 1965 war accelerated the construction of the Karakoram highway. The importance of the Soviet Union increased in South Asia, and close contacts developed between India and the USSR immediately after the Tashkent Agreement.

OP Gibraltar set a precedence and a pattern which was later used in the 1986 proxy war in a modified form. However, in 1965, Pakistan realised that it had to build 'Pan - Islamic and Pro-Pakistani sentiments in the valley by various politico- religious means before a proxy war could be waged successfully.

SECTION TWO

POLITICAL DEVELOPMENTS IN J & K : 1966 - 1987

The 1965 war finally proved to Pakistan that it cannot force a decision on India through a conventional war. The super powers had adopted an attitude which held little hope for Pakistan. It also became apparent that Chinese support was essential for Pakistan. However when the Karakoram highway was under construction and a Sino-Pak axis was developing, trouble was also brewing in East Pakistan. In the post-1965 period India's hold over the political process in J & K had increased and the dangers of a hot war had receded.

When elections were held again in J & K in 1967, GM Sadiq and his supporters won by an overwhelming majority. Pradesh Congress of the Sadiq group won 59 seats as opposed to 8 which went to National Conference. The Plebiscite Front boycotted the elections. In 1967 Begum Abdullah, Mirza Afzal Beg and Maulana Mohammad Sayeed Masudi were sent back to the valley from detention and Sheikh Abdullah was moved to Delhi though technically he was still under house arrest. He was released unconditionally in January 1968. Despite assurances to the contrary his attitude remained as ambiguous as ever. Throughout 1968 he harped on self-determination when talking to his own people in the valley. He seemed to favour an autonomous vale of Kashmir but was never much concerned with the fate of other regions of J & K. He was also now deliberately vague about the future relationship with Pakistan. It is believed he even sent a message to President Ayub Khan thanking him for his support in their struggle for self-determination. Tariq Abdullah, one of his sons, was at this stage serving with the diplomatic service of Pakistan.

In 1969 Sheikh Abdullah announced that the Plebiscite Front would enter the political fray, he was further encouraged by the results of the Panchayat level elections held in August 1969. By now violence in political life was on the increase and political activity was becoming more and more involved with religion.

In 1970 there were systematic acts of violence carried out by a pro-Pakistan organisation called 'Al Fatah'. During this period Sheikh Abdullah frequently got in touch with the Pakistan High Commissioner on one pretext or the other. In early 1971, due to these activities in Delhi an externment order was served on Sheikh Abdullah and Mirza Afzal Beg which prevented them from going back to the valley. Simultaneously, the Plebiscite Front was declared as an unlawful association. It was suspected that 'Al Fatah' and the Plebiscite Front were colluding with Pakistan to destabilise J & K. During this period 'Al Fatah' was allegedly involved in several bank robberies in the valley. Pakistan's permanent representative in the United Nations Mr Agha Shahi predictably protested vehemently against the government of India's action against Sheikh Abdullah and the ban on the Plebiscite Front.

On 30 January 1971 two activists of an organisation called the 'Kashmir National Liberation Front' highjacked an Indian Airline aircraft, *Ganga*, to Lahore. The two highjackers were treated like national heroes in Lahore and Mr ZA Bhutto even embraced them in public. Finally, *Ganga* was blown up.

At this stage the turbulence in East Pakistan over-shadowed the Kashmir problem as the leaders of Pakistan were totally pre-occupied with it. When the 1971 war between India and Pakistan seemed imminent Pakistan was hoping to get assistance from the USA and China; after all it had played a major role in Sino-US rapprochement and had arranged for Henry Kissinger's visit to China in July 1971.

THE THIRD INDO-PAK WAR 1971 AND ITS POLITICAL CONSEQUENCES

Border clashes started in October-November 1971 and India instructed her forces to enter East Pakistan on 24 November 1971.

During the preceding weeks the Indian Army had concentrated in full strength against East Pakistan and was ready to launch a major offensive. However on 3 December 1971 Pakistan precipitated the issue by launching pre-emptive air strikes against Indian airfields in Punjab, Kashmir, Rajasthan and UP.

The Indian Army now launched an offensive into East Pakistan from three directions. 2 Corps operated from the South-West in Jessore-Jhenida sectors. 33 Corps launched an offensive from North-West in Rajshahi - Dinajpur - Rangpur sectors. 4 Corps operated from the East in Sylhet, Akhaura - Comilla - Chandpur sectors. 101 Comn Zone Area launched operations in the central sector from Kamalpur. Thus the race for Dacca commenced in right earnest. Pakistan Army was by then in no position to offer any great resistance. Dacca was captured by 11 December and the war was over by 16 December 1971. In the west both India and Pakistan used a holding strategy. Pakistan launched a major offensive into Chhamb once again and stood fast elsewhere in Punjab and J & K. The Indian Army remained strangely quiet in the west, even in J & K, although Pakistan was planning to launch a major offensive in Jammu.

In this war Pakistan lost its eastern wing and suffered a humiliating defeat and surrendered more than 90,000 prisoners to India.

The Political Consequences of 1971 War in J & K.

The military disaster in the east brought army rule to an abrupt end in Pakistan. Mr ZA Bhutto, now leading the civilian administration, admitted that it was a major catastrophe for Pakistan. In a *White Paper* issued in 1977 it was accepted that "Pakistan had suffered a disaster .. The

disparity between its military strength and India was wider than ever before .. politically Pakistan was isolated.. Pakistan was economically shattered and psychologically bruised ..⁵

The above statement reflects the true state of Pakistan's mind when Mr Bhutto sat down for the Shimla Conference on 28 June 1972. The outcome of the Shimla Conference, as far as the J & K problem is concerned, was that it was accepted that the two countries will resolve differences bilaterally. The points were :

- The two countries resolved to settle their differences by peaceful means through *bilateral negotiations or by other peaceful means mutually agreed upon between them.*
- Pending final settlement of any of the problems between the two countries, neither side will unilaterally alter the situation and both shall prevent the organisation, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations.
- In Jammu and Kashmir, the Line of Control resulting from the cease fire of 17 December 1971 shall be respected by either side. Neither side shall seek to alter it immediately, irrespective of mutual differences and legal interpretations. Both sides further undertook to refrain from the threat or the use of force in violation of this line.
(A full text of the Shimla Agreement is attached at Appendix 'J').

It is quite evident that through the Shimla Agreement, despite tremendous political, military and psychological advantages, India made no permanent gains in J & K. It left the problem unresolved even when it held all the aces and Pakistan possessed no bargaining chips. No wonder Mr Bhutto made the following statement at Lahore on 3 July 1972 on his return from Shimla:

"On the vital question of Kashmir too, we have made no compromise. We told them (the Indians) .. categorically that the people of Kashmir must exercise their right of self- determination..."
(*Pakistan Government's Peace with Honour* pp 28 refers)

The Indian victory and the creation of Bangladesh dampened the spirit of Pakistan and its supporters to create problems in J & K for a while. They however, swore vengeance and never wavered from this objective. Within J & K things had also become quieter; after all Bangladesh was a Muslim country whose people just could not get along with West Pakistan. The theory that all Muslim areas must want to join Pakistan too was shattered.

When GM Sadiq died in office in December 1971 there was a smooth transition of power to Syed Mir Qasim. In the 1972 elections Syed Mir Qasim won a comfortable majority (Congress won 57 seats out of the 75, pro-Pakistan Jamaat-i-Islami won 5 seats, Jan Sangh 3). Soon the externment order on Sheikh Abdullah and Mirza Afzal Beg was lifted, and the ban on the Plebiscite Front was not renewed when it expired on 12 January 1973. Sheikh Abdullah had, however, not changed. He did not recognise the Shimla Agreement and demanded self-determination immediately on arrival in Srinagar. He however demanded the same for the people of POK. The undercurrent of communal politics was now quite visible and in May 1973 when it was discovered in Anantnag that a picture in a British encyclopedia for children showed the Holy Prophet receiving the scriptures from Angel Gabriel a violent agitation broke out. The trouble soon spread to Srinagar. Churches were threatened, a British owned bank was attacked. As usual, *hartals* and processions led to stoning and police firing, although the book was promptly banned all over India. *Here was another example of use of a religious issue to arouse the masses against the government of the day.* At this juncture ZA Bhutto demanded self-determination

while visiting Muzaffarabad and called upon 'Kashmiris' on both sides of the border to observe *hartals*. Mr Bhutto received support from Mir Waiz Mohammad Farooq. However Sheikh Abdullah condemned Bhutto's intervention and told him to mind his own business. Sheikh Abdullah it seemed at this stage was keen to return to power and wanted to placate Indira Gandhi. There were secret contacts from both sides which paid dividends and from 1974 the process of rapproachment between the Indian government and Sheikh Abdullah restarted.

A series of meetings followed between the Central Government and Sheikh Abdullah to work out a compromise formula. At one level Sheikh Abdullah insisted publicly that a compromise could be reached if the pre-1953 status of J & K was restored. He even talked of a federal structure for Jammu and Kashmir. Behind the scene people like LK Jha, Syed Mir Qasim, Karan Singh and DP Dhar were attempting an acceptable solution with Sheikh Abdullah and his close associates. Eventually, what subsequently came to be known as the 'Kashmir Accord' (Feb 1975) between Sheikh Abdullah and Mrs Indira Gandhi as Prime Minister, was signed. Two important provisions of the accord were :

- The State of Jammu and Kashmir, which is a constituent unit of the Union of India, shall in its relation with the Union continue to be governed by Article 370 of the Constitution of India.
- The residuary powers of legislation shall remain with the State; however, Parliament will continue to have power to make laws relating to the prevention of activities towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about secession of a part of the territory of India from the Union or causing insult to the National Flag, the Indian National Anthem and the Constitution.

- No agreement was possible on the question of nomenclature of the governor and the chief minister and the matter was therefore remitted to the Principals.

(Text attached at Appendix 'K')

Immediately after the accord Sheikh Abdullah took over as CM and Mirza Afzal Beg became a minister. Pakistan, of course, denounced the accord as a sell-out and anti-Abdullah propaganda was restarted in the valley. While Mir Waiz Mohammad Farooq accused Sheikh Abdullah for bartering away the right of self-determination, the Jana Sangh urged complete removal of Article 370 and was highly vocal in its opposition to the Accord, generally.

Sheikh Abdullah soon returned to his old ways. He talked of a merger of POK and the rest of J & K and recalled his old comrades back into the Plebiscite Front, but finally changed its name to National Conference in July 1975. The political situation now was such that the legislative assembly was controlled by the Congress and the National Conference was not represented. Though not yet visible, strong forces instigated by Pakistan were in the making against Sheikh Abdullah. A large vocal, educated section in Srinagar, Sopore and Anantnag were heeding the subtle fundamentalist call of separatism. However, Sheikh Abdullah still had tremendous influence over the masses and the communal, separatist forces had to lie low in his lifetime.

It must be noted that India failed to create a counterpoise of Sheikh Abdullah and when the latter openly challenged the Pradesh Congress in March 1977, all that the Congress could do was to withdraw support from Sheikh Abdullah's government. The general elections held after the Emergency, on 16-20 March, resulted in Indira Gandhi's defeat, and in June-July 1977 when fresh elections to the J & K assembly were held, results showed that :

- Out of 76 seats National Conference won 47 seats (40 in the valley) and demonstrated its hold over the valley.

- Janata won 13 seats and Congress 11, thus creating a new divide as these parties could win no seat in the valley.

In this last tenure Sheikh Abdullah depended on his family members to run the government and grew progressively more impatient with the demands of other regions of J & K. In 1979 there was greater opposition to Sheikh Abdullah, and even Mirza Afzal Beg deserted him. (Afzal Beg died on 11 June 1982 in political wilderness).

In January 1980 when Indira Gandhi returned to power, the protests against 'Regional Imbalances' in J & K had become more vocal and strident. Sheikh Abdullah took recourse to other means instead of paying attention to the just demands of other regions. His utterances like— "No one will be allowed to enslave us again whether it is India or Pakistan", were only meant to divert attention.

In this atmosphere new separatist/fundamentalist forces in the valley were rearing their heads again. During this period a large number of *Madrassas* sprouted in the valley with religious teachers from UP and Bihar. At this stage these *madrassas* were used to inject Islamic fundamentalism and to denigrate Sheikh Abdullah systematically. Soon there were anti-Sheikh demonstrations in the valley, supported and organised by Pakistan agents. During 1981 at the height of an anti-Abdullah campaign, Sheikh Abdullah fell seriously ill and for all practical purposes handed over power to his son, Farooq Abdullah. This however did not stop him from challenging the centre's authority to decide citizenship of J & K state. The Resettlement Bill, which he adopted in March 1982 was meant to create a situation where he could declare the citizens of POK or others settled in Pakistan as citizens of J & K and demand free movement across the line of control without hinderance.

Sheikh Abdullah died on 8 September 1982 before the matter could be settled.

Dr Farooq Abdullah succeeded his father when the

Resettlement Bill was still in the process of being passed, as the bill was referred back to the Legislative Assembly on some technical grounds by the then Governor of J & K, Mr BK Nehru. The Legislative Assembly passed it anyhow on 4 October 1982. There was now a constitutional tussle between the Governor and CM and the bill had to be referred to the Supreme Court, where it rested. Later changes in the political situation of the country overtook the event.

At the time of Sheikh Abdullah's death the political situation in the country was highly fluid. Farooq Abdullah proved to be a political lightweight and National Conference rapidly lost ground in the valley. Indira Gandhi's decline had begun and Sikh militancy was on the rise in Punjab. Islamic fundamentalism was now being injected into the Kashmir valley in very big doses by Pakistan and separatist elements were soon to begin indulging in acts of terrorism.

The policy of depending on one individual and one party, the undue importance given to the valley vis-a-vis other two regions were now bearing bitter fruits. In Pakistan General Zia ul Haq, now firmly established in power, started a new phase of Pakistan's armed interference in J & K; this time through a second *OP Gibraltar* of a more telling variety - a low intensity conflict, a proxy war based in the valley of Kashmir itself.

In 1983, Farooq Abdullah was inclined towards the opposition instead of joining forces with Congress (I). The result was a bitter struggle between the two.

The election of 1983 in J & K was fought with a no holds barred attitude. National Conference won 46 seats in the valley and Congress (I) 26 seats in Jammu. By 1984, violence had become endemic in J & K and bitter political battles were being fought on the streets between National Conference and Congress (I). Both destroyed each other and taking advantage of the situation Muslim fundamentalist groups became a force to reckon with in the valley. It was soon evident that events now occurring in J & K promised to replicate the happenings in Punjab which by then had assumed very serious proportions.

A split was created in the National Conference itself in May 1984. Many National Conference members wanted to expel Farooq Abdullah and replace him by his sister, Khaleda Shah, married to GM Shah, a long-time rival of Farooq Abdullah and contender to the throne. Soon Farooq Abdullah was dismissed and GM Shah was installed in his place.

The politics of replacing and reinstalling CMs in J & K which had started from 1953 was repeating itself — ofcourse with the same disastrous results. This action was considered unfair by the people and there was great tension in the valley, and violent protests took place on 13 July 1984 (the day commemorating the 1931 movement). The new faction led by GM Shah failed to control the situation and yet another phase of turmoil began in the valley.

By 1985, Indira Gandhi was gone and the situation became worse in J & K. Rajiv Gandhi was unable to influence the events; intensity of clashes and protests led to withdrawal of support of Congress (I) representatives in the Assembly to GM Shah and he was forced to resign on 7 March 1986. The Legislative Assembly was suspended and Governor's rule imposed.

Once again, true to our unimaginative policies, a rapproachment was sought with Farooq Abdullah and in November 1986 he was brought back to power. It appeared as if the country had learnt no lessons since 1953 and was once again following a disastrous course in J & K.

In 1987 the Congress (I) and the National Conference combine fought the election and won. Farooq Abdullah won 38 seats, almost all in the valley. People in the valley, however, believed that these elections were largely rigged and this struck a serious blow to the democratic process in J & K. By now radical Islamic elements had gained ground and they indulged in violent protests at every excuse. Bomb blasts, arson and demonstrations became a way of life. Any excuse was good enough, be it agitation against power shortage, protests against Salman Rushdie's *Satanic Verses* or General Zia's death in an air crash.

SECTION THREE

RISE OF THE FUNDAMENTALIST GROUPS AND ADVENT OF LOW INTENSITY CONFLICT : 1988 - 1994

By 1988 the secessionists with a clear-cut pro-Pakistan bias had emerged in the valley. The Muslim United Front which had initially spear-headed the movement was now replaced by Jaamait-i-Islami and its youth wing Jaamait-i-Tulba, supported by regular terrorist organisations. Now a violent movement took root and the following developments took place:

- Administration was totally subverted by the fundamentalist organisations;
- Pakistan was able to pour in weapons and ammunition and train Kashmiri youth for terrorism;
- Political meddling by the centre made the J & K government ineffective;
- Pro-Congress leadership in the National Conference created a political vacuum in the valley which was quickly filled by fundamentalist forces;
- Taking advantage of the above situation various anti-Indian political forces gradually grew stronger in the valley. The Jaamait-i-Islami which was closely associated with the Pakistani party of the same name became a force to be reckoned with, and Maulana Saaduddin, a leader of Jaamait-i-Islami, during a visit to Pakistan declared that their aim

was to secure the will of the Islamic people of Kashmir. From now onwards various Islamic fundamentalist organisations with fancy Arabic names proliferated and the political process atrophied in the valley;

- Militant cadres of JKLF now appeared in the valley. The JKLF was founded in Britain in 1977, and its leadership in London included Major Amanullah Khan and one of the hijackers of the IAC plane *Ganga*. In Pakistan, Dr Farooq Haider was the JKLF spokesman. Based in Pakistan, JKLF stood for an 'Azad Kashmir' and was totally anti-Indian in its political stance;
- From December 1989 an organised phase of assassinations, kidnappings, murders and looting started in J & K, when Amanullah Khan, Chairman of the JKLF announced a 18 month campaign of terror against India. JKLF cadres received armed assistance from Pakistan till 1992, which later switched its aid to other more radical, Hizbullah groups like Hizbe Mujahidins, 'Allah Tigers' Al Omar, Al Barq, Muslim Brotherhood etc. It seemed JKLF talked too loudly of Kashmir's independence while the Hizbullah cadres sought Kashmir's merger with Pakistan and believed in imposing strict rules of the 'Sharia' on the Kashmiri people.

The present political situation in J&K has been created with the active support from Pakistan with a view to alter the status quo and denigrate India in the world fora. The motivation behind Pakistan's actions is not connected with the J&K problem alone — the aim is to balkanise and weaken India.

The 'Islamic Card' has a great potential of stirring up anti- Indian feelings in the valley. The crucial issue is therefore not militancy but the mindset of the people. The

damage caused by our wrong policies has to be undone and the religious card of Pakistan has to be dealt with.

Kashmir is not a simple problem; a major effort is required to win the hearts and minds of the people. We need a radically new approach. The form of government, administrative structure and the status of all the three regions of J&K must be reconsidered. As brought out earlier J&K is a multi-regional conglomeration. Jammu, Ladakh and Kashmir should be treated at the same level and there is no reason why Kashmir Division should be given a special 'status' within the state, and the problems of the valley should not be allowed to drag down the other two regions. It should be remembered that the internal problems of J&K are not only the product of Pakistan's game plan, it also has two separate elements. At one level are the problems created by Pakistan since 1947-48 to date, as also our reactions to these Pakistani designs. On another level are the internal problems which have been aggravated by our own lack of initiative and perspective. Armed militancy is only one facet of the problem in the valley. Disinformation and psychological war tactics being used by anti-India elements in the valley remain largely untackled. It is necessary that a coherent policy to combat the above factors must emerge from an analysis of the situation. The infiltration across the LC is still going on from more than thirty militant training camps located in POK and Northern Territories. A sketch showing the locations of these camps and a list of known training camps is attached at Appendix 'B'.

The New Kind of War — Indo-Pak Conflict in 1984-1993

By 1984 Pakistan had gained considerable expertise in launching covert operations due to her role in Afghanistan. Training of Kashmiris, and supply of suitable weapons to start a proxy war could now be easily planned. A psy-war was launched first. In this phase the aim was to create a climate for 'sponsoring terrorism' preceded by a virulent anti-India campaign. Fundamentalism was injected in lethal

doses over a period of time. Indoctrination and training of selected leaders was organised in POK to create militant cadres while political unrest was fomented by Pakistani agents within the valley. Loyalties of local police and government servants were subverted systematically, and specially trained groups organised 'anti-government' and 'anti-Indian' agitations. They also engineered incidents to provoke the authorities to take strong action against the locals. *Alienation of the local population was a major aim at this stage.*

The next phase was 'Sponsored Terrorism', planned, supported and inspired from across the border by Pakistan. This phase opened with bomb blasts, kidnappings, assassinations and arson, punctuated by violent demonstrations. Due to India's rising military capability 'sponsored terrorism' which could foster mass uprisings and insurgency was a far safer method of reviving the Kashmir issue. It was a low cost, long-term option to internationalise the J&K issue, and this could create a no-win situation for the Indian armed forces, while Pakistan watched from a safe distance. It was without doubt a well planned proxy war launched with far-reaching political and strategic aims. A similarity of aims of *Op Gibraltar* and the present low intensity conflict will be obvious, if we read through the directives given in 1965 to the infiltrating columns and the pro- Pak elements of J&K. (Appendix 'H').

The present phase may create the illusion of a stalemate but the situation is fluid because Pakistan has trained more than 20,000 militants, provided them with sophisticated automatics, rockets, time bombs, portable anti-aircraft missiles etc. Pakistan is waiting to launch the next phase. In this phase full-fledged guerilla warfare may erupt with a view to wrest the initiative from the Indian Army. The present state of this low intensity conflict has been discussed in this section at a macro level, the occurrence of daily incidents like arrests of terrorists and capture of weapons do not give a correct picture of the situation, and most of these reports

emanating from the J&K administration, Army or para-military forces are one-sided with a view to show their good work. These have therefore not been included as important statistics.

The low intensity conflict and the turmoil in the valley has five distinct facets.

- Pak-sponsored terrorism and insurgency with local support;
- Mass protests and random violence by the people, somewhat like the *intifada* of the Palestinians;
- Anti-Indian sentiments and alienation of the masses;
- An ineffective administrative machinery;
- Role of the Army and Para-Military Forces to control violence, insurgency and terrorism.

All the above elements are complementary and co-related but require analysis of different set of factors and angles. Much has been written on the failure of the government, the political leaders and local politicians who allowed these conditions to develop. We will therefore not dwell on this aspect here. We will examine the status of the above mentioned facets of turmoil in J&K and analyse the measures now underway to tackle these problems.

PAKISTAN SPONSORED INSURGENCY-TERRORISM

Pakistan-sponsored moves at the macro level seem to be :

- Graduated escalation of insurgency and terrorism in the coming summer months (summer 1994).
- Further subversion of the local administration by infiltration of sympathisers and informers, which are now undergoing a kind of brainwashing and training for subversion, through specialists.

- Use of religion to enlist support for sponsored terrorism and to create anti-Indian sentiments e.g. Hazratbal incident. The use of religion to unite and arouse people against the establishment has been made successfully since 1931.
- Creation of chaos and terror in chosen areas of Jammu region with a view to communalise the situation there. The terrorist activities in this area have increased lately. Frequent ambushes of para-military forces show the strength of militant cadres here.
- Engineer events to invite harsh government measures and then highlight abuse of 'human rights' in world fora, particularly through hectic lobbying in the US/Europe. Focus on human rights issue in the UN and other international fora.
- Physically eliminate all potential political opponents in the valley, to ensure that the political process cannot commence in the valley.

The above actions are being orchestrated through the ISI with the aim of casting doubt on the legitimacy of India's claims on the valley. The overall success or failure of these moves will be mirrored in the world opinion. From various comments and opinions being expressed by the Clinton administration, the British press, Japanese, French and German leaders it seems Pakistan has succeeded in enlisting US support and isolating India on the Kashmir issue.

The infiltration of Pak trained militants and subversives has not stopped though it is being checked more effectively now. The present Unified Command is not working properly for many reasons, besides lack of a dynamic personality either on the Army side or in the civil administration.

The insurgents are still operating in towns with impunity. The security forces e.g. BSF and CRPF etc. have failed to use innovative methods to limit collateral damage

and have thus created major human rights problems. Nearly 8,300 civilians have died during the central rule according to official figures. To search and cordon areas after an attack demonstrates our inability to take any pre-emptive or deterrent action. Our intelligence system is so poor that we are unable to detect even the whereabouts of those terrorists who have already positioned themselves for an attack. We harass the local population after the miscreants have escaped. Despite these failures, insurgents have lost some ground to the armed forces who show little sign of fatigue or lack of determination to combat the insurgents. Larger number of casualties (4800 insurgents killed and more than 9000 wounded according to official figures) amongst the insurgents have made a definite dent in their morale. However, the insurgents have not been defeated, the Pakistani support has not diminished and there is no dearth of arms, ammunition or money in the insurgent camps. Unlike conventional wars insurgency has no definite starting or finishing point, and tend to continue for many years before they dissipate or die out unless the locals stop supporting the insurgents. Victory against insurgency often means effective containment of the cause of insurgency and not decimation of the insurgents. The extension of terrorism or irregular warfare to Jammu region can complicate the situation further; terrorism here is not merely an adjunct of insurgency, it is a definite move for creating communal turmoil and panic in Jammu region.

The aim of the Pakistani sponsored and locally inspired terrorists and insurgents is common, which is to force India to leave the Kashmir valley under international pressure; and as such we must deal with all the factions very firmly.

Many experts suggest that the best counter-insurgency methods are those which imitate the insurgent tactics and many successful counter-insurgency operations prove the validity of this belief. A pattern of mirror-image of the insurgents tactics seem to baffle the insurgents and their supporters. This is sometimes termed as a 'reversible

warfare' posture. Special forces are required to learn and use the tactics and the 'modus operandi' of the insurgents. However it is not only the special forces which are required in J&K but also special 'civilian organisations' to combat terrorism.

BRIEF COMMENTS

- The insurgents so far have not acquired the capability to mount set piece attacks on security forces except in isolated pockets. However they are fast coming to acquire this capability.
- If casualty ratios between security forces and insurgents indicate success or failure of insurgents, then in 1993 a larger number of insurgents have been killed or arrested. Terrorist groups are under great pressure at present. However, the plans of expanding areas of operations and terrorist activities in Jammu shows their capability to supply arms to new areas and carry out prolonged insurgent warfare.
- The incident of the Hazratbal mosque (in October 1993) gives an indication that Pakistan and the insurgents are bound to expand the propaganda war to bring the Kashmir problem back to the centre stage. In their view cumulative impact of several incidents of this kind can put a question mark on India's legitimacy in the international arena and force India to quit the Kashmir valley.
- During the year, 1994, we may witness new forms of guerrilla tactics in J&K.
- The role of the Army and the police force has not been properly planned and there is lack of coordination from top to bottom. Selection of commanders and advisers requires special attention.
- We have not yet attempted counter-mobilisation of the population or changing the layout of some

towns to increase the mobility of the Army or para-military forces.

MASS PROTESTS AND RANDOM VIOLENCE

Control of mob violence or random violence by small groups requires a special approach in a democratic set-up. Our present system of firing at an unarmed but violent crowd is an extremely unsatisfactory one. Similarly, deployment of para-military forces within crowded towns results in bloody clashes between the civilians and para-military forces. The cross firing results in many deaths, and further protests, which serve the purpose of insurgents very well, who want to prove to the local population that the Army and BSF are out to take revenge and have been sent there with that purpose. Human rights problems arise mostly from such encounters. It would be better if handling of such situations is left to the local police, special forces in civilian clothes, and civil organisations trained specially for this purpose.

Many rallies and protest marches can also be controlled by various diversionary tactics and methods of counter-propaganda.

Smaller parties hurling grenades at the security pickets have to be handled coolly. Presently an uncontrolled reaction or burning of houses or shops in retaliation occurs, which are counter-productive. In Kashmir valley we have one major advantage — insurgents cannot take any major action without hurting the local population. Here we have a factor which can be utilised by our police and civilian organisations to discredit the militants. Pak sponsored terrorist groups can be trapped during such incidents, as presently *they are* engineering incidents which result in police firing and killing of innocent locals.

New technology the world over allows use of improved methods of crowd dispersal without the use of firearms. We ought to produce such devices indigenously which are

suitable for our environment.

ANTI-INDIAN SENTIMENTS AND ALIENATION

Alienation of the people of the valley is the most serious problem in J & K. Insurgency/terrorism, mass protests of random violence flow from alienation and discontentment of the local population. As we have discussed in the last section the politics of Sheikh Abdullah and the people of the valley never fully supported merger with India. But the active anti-Indian feelings were encouraged by our own mishandling of the people. We always dealt with them through Sheikh Abdullah, a bridge which was weak and most unreliable. From 1953 onwards anti-Indian sentiments were openly expressed in the valley but the people were not pro-Pakistan. The pro-Pakistan lobby was confined to few towns like Sopore and Anantnag. From 1990 onwards the sense of alienation grew stronger and a genuine desire to attain freedom was born. Danger to religion, customs and culture, and privations of the common man were highlighted by an intellectual lobby based in Kashmir University in Srinagar. Slowly professionals like doctors, lawyers and school teachers joined this lobby and expanded its base. Now the question was how to give this movement a concrete shape. JKLF cadres in Pakistan and other foreign countries played a major role. A Kashmiri was not initially inclined to take to terrorism within the valley. Now Pakistan took over and it involved the people in terrorism and insurgency through ingenious methods. What must be understood is that the common man was still not for violence though he was bitterly anti-India. We mix up these issues and most of our planners believe that if terrorism and insurgency are put down things will be normal. They cite the example of Punjab to support their views. In Punjab, sponsored terrorism was the main problem, not alienation. In the Kashmir valley alienation and bitter anti-Indian feelings are the main problems which we must aim at solving; insurgency can well be taken care of by the Army or special forces trained for the task. Here we can only suggest measures to be taken at a

macro-level. In the first phase, in our view India should take some of the following steps to bring the valley back at the least to the position it was in 1980-81 :

- While suppressing pro-independence sentiments by use of force in the valley, encourage and motivate anti-Pakistan sentiments through well trained civil organisations;
- Use Muslims of India to create fellow feelings and encourage religious ties with Indian Muslims;
- Encourage conditions for 'Sufi' Islam to re-emerge;
- Invite political cadres of JKLF and the Hurriyat Conference to talk with non-governmental organisations about their concept of *Azadi*;
- Take the younger generation which is still between 5-15 years in hand and re-educate them;
- Recreate a special administrative cadre, introduce specialists in the field of medicine, science and religious instruction from India;
- Start intensive media campaign and psy-war to fight Pakistani propaganda in the valley;
- Introduce well trained civilian organisations for social work;
- Stop pampering the valley. People should be clearly told that violence and support to the violence and terrorism will not help in achieving their aims, whatever they are.

STATE OF ADMINISTRATION

The State has a separate constitution known as 'Constitution of Jammu and Kashmir'. Under this constitution J & K state territory comprises of the territories which on 15 August 1947 were under the sovereignty or suzerainty of the Ruler of the State. The executive authority and powers vested in the Governor are exercised by him directly or indirectly through subordinate administrative staff *in accordance with the constitution of the state*.

Legislature of the State consists of the Governor and two Houses known as 'Legislative Assembly' and 'Legislative Council'. The Assembly has 100 elected members (42 from Kashmir region, 32 from Jammu region, two from Ladakh including one from Kargil, *(24 seats remain reserved for Pak occupied areas of J & K state)*, two seats are reserved for women — total seats 76 + 24 POK (2 for women).

Legislative Council consists of 36 seats. 11 members are elected by the members of the Legislative Assembly who are not from Kashmir region and 11 members are elected by the Legislative Assembly members who are not from Jammu. Two members each are elected from the Municipal Councils and local self-bodies, one from each region. Two members each are elected from Panchayats and local bodies of Kashmir and Jammu regions, 8 members are nominated by the Governor, out of which *not more than 3* are to be chosen from social or economically backward classes.

The duration of legislature is 6 years for a term from the date it is appointed. The Legislative Council is not subject to dissolution but as nearly as possible $\frac{1}{3}$ of the members thereof retire as soon as may be on the expiration of every second year in accordance with the provisions made in that behalf by legislature by law. The Legislative Assembly chooses two members of the Assembly to be Speaker and Deputy Speaker respectively, and the Legislative Council chooses two members of the Council to be Chairman and

Deputy Chairman, respectively. Under the constitution there has to be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions. The Chief Minister is appointed by the Governor and the Ministers are appointed by the Governor on the advice of the Chief Minister. The council of ministers is collectively responsible to the Legislative Assembly. The Ministers and the Deputy Ministers shall hold office during the pleasure of the Governor.

The Governor also appoints a person who is qualified to be appointed as a judge of the High Court, to be the Advocate General of the State to give advice to the State upon such legal matters and to perform duties of a legal character which are referred or assigned to him by the Government from time to time.

The Chief Minister has to communicate to the Governor;

(i) all decisions of the Council of Ministers relating to the administration;

(ii) furnish such information relating to the administration of affairs of the State and the proposals for legislation as the Governor may call for;

(iii) if the Governor so requires, submit for consideration of the council of ministers any matter on which a decision has been taken by a minister which has not been considered by the Council.

There is a High Court for the State consisting of a Chief Justice and two or more other judges. Every judge of the High Court is appointed by the President after consultation with the Chief Justice of India, the Government and in the case of appointment of a judge other than the Chief Justice, the Chief Justice of the High Court. No person can be a judge of the Court unless he is a citizen of India, has for atleast 10 years held judicial office in the State or in any part of India,

or for atleast 10 years has been an advocate of the State High Court or any other High Court in India.

The State has a Public Service Commission. The Chairman and other members of the Commission are appointed by the Governor. A member of the Commission holds office for a term of 5 years or until he attains the age of 65 years, whichever is earlier. The Commission conducts examinations for appointment to the services of State and is consulted on all matters relating to methods of recruitment to civil service, on the principles to be followed on making appointments to civil service, and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotion or transfers and on all disciplinary matters affecting a person serving under the Government.

The superintendence, direction and control of elections to either House of State Legislature under the State Constitution vests in the Election Commission of India. The State has a separate flag of a rectangular shape, red in colour with three equidistant wide vertical strips of equal width next to the staff and a white plough in the middle with the handle facing the strips. The official language of the State is Urdu but the English language, unless the legislature by law or otherwise provides, continues to be used for all official purposes of the State.

Every winter there is an exodus of the government from Srinagar to Jammu and return to Srinagar after six months stay in Jammu. This is a legacy of the Darbar days. This is a highly inefficient and wasteful exercise. In the confusion of this movement decisions and files pend or even disappear. Since the population does not migrate each region faces a major problem every six months. It may be better if a new capital is selected somewhere near Udhampur which does not have to move and is equidistant for the majority of people in Srinagar and Jammu. Srinagar is unsuitable for many reasons, specially the weather. Even in open weather

it functions more as a tourist resort than a State capital carrying on serious business.

The administrative structure is fragile because it is prone to frequent rifts between Kashmiris and non-Kashmiris staff. In the past few years the lower staff has stopped functioning altogether.

The collapse of the administrative machinery has created major problems and increased the day to day stress of all the three regions. In addition, subversion of the staff in Kashmir by the terrorists cannot be stopped easily unless a new civil cadre is raised. This can be achieved more smoothly if the legislature and the secretariat are no longer located in Srinagar. Sabotage and 'go slow' tactics has created a major crisis and the Government writ does not run in the valley. Revenue and taxes remain uncollected, electricity and other bills due to the government remain unpaid. Many basic facilities like health, sanitation and supply of essential commodities are available only to a chosen few or the militants.

Antiquated and religion-oriented schools have been allowed to function without hinderance. These institutes are producing bigoted, inward-looking young people with a totally anti-Indian attitude. In short a *total review* of the political and administrative machinery must be undertaken without delay. The central government has to take the initiative in this sphere.

ROLE OF THE ARMY AND PARA-MILITARY FORCES AND UNIFIED COMMAND

The main role of the Army in J & K is on the Line of Control. Additional troops inducted into the valley to combat insurgency and terrorism have to deal with the civil population during patrolling and search and cordon operations. Such an employment may be perfectly justified for short periods but prolonged deployment is undesirable. The quantum of force can be reduced by introduction of special troops or para-military forces on the lines of Assam Rifles. Such troops have to be area-specific and familiar with the language, customs and religious mores of the local population. We should make a beginning even now, because it is going to be a long-time requirement.

The deployment and the role of para-military forces like BSF or CRPF has been largely counter-productive after the first two years. Most of the human rights complaints arise from faulty employment of such forces. In an insurgency situation all actions of security forces have to be weighed against political consequences of their actions, not by counting the number of insurgents killed or captured. The action of BSF at Bijbehara during the recent Hazratbal crisis created a most embarrassing situation for the country. Similar earlier actions at Sopore, Handwara and Srinagar increased anti-Indian feelings manifold.

The employment of Army and para-military forces is the task of the higher headquarters in the valley. The so-called Unified Command is a non-starter because you can't function with a halfway house, the mutual antipathy among Army, para-military, local police forces and civil services is intense and unless a totally new organisation is evolved for the valley the present system is likely to break down. Ad hoc arrangements for operational planning and its hasty execution in the face of each crisis is bound to fail. Sitting at the same table does not make a Unified Command; a special organisation and highly trained staff is necessary in

a proper unified headquarters.

A special 'Internal Security Group' is required on a permanent basis, with civic organisations and auxillary forces, mass contact groups and media management cells. This organisation will be discussed in greater detail in the section dealing with alternatives and options.

SECTION FOUR

NOTES ON HUMAN RIGHTS VIOLATIONS IN J & K A VIEW

The methods of interrogation used by our forces and intelligence agencies are based on physical force and torture. This is a clear-cut area of abuse of human rights. Those who are killed due to these tortures, and their bodies are thrown away, tell ghastly tales of inhuman treatment. There is no gainsaying terrorists indulge in worse practices, a responsible democracy cannot, however, afford the abuse of human rights by its security forces.

The other areas of abuse of human rights have been burning of houses in the valley with people in them and killing large numbers of people by indiscriminate and uncontrolled firing, mostly in retaliation. Random abuses may generally take the form of rape and looting.

The reasons for these abuses can be attributed to the following factors :

- Kashmiris are considered aliens or enemies (a bloody nuisance) by various law enforcing agencies;
- Methods of interrogation are unscientific and out-dated.

In their eagerness to show results and achieve targets of capturing terrorists or their weapons limits are crossed;

- Lack of training regarding human rights in our Army, and para-military forces (lately introduced in some form);
- Long tenures of duty of para-military forces in a hostile environment without a break resulting in mental fatigue and loss of morale;

- Officers and men of para-military forces like the Army Jawans are professionally trained for killing their enemies while losing as few of their own soldiers as possible. The tendency therefore is to use maximum fire-power without bothering about its effect on the civil population of by-standers, as all civilians are considered to be pro-militants.

The fact is we have woken up too late in the matter of Human Rights issues. We have used and employed our para-military and sometimes military forces in towns without a care for innocent lives. This approach must change. We have been using a blunt instrument for a delicate surgical work with the obvious consequence of increasing alienation. The following steps must be taken to change this situation.

- Employment of a specially trained para-military force organised on the lines of Assam Rifles, familiar with the customs, religious practices and the language of the people of the valley;
- Withdrawal of para-military picquets from towns, and employing specially trained local police forces for this task;
- Creation of district-wise interrogation centres which are run by highly trained specialists with scientific methods of interrogation at their command;
- Exemplary punishments to officers or leaders of a group for deliberate abuse of human rights by their men, besides the normal punishment to the guilty under the law.

Sometimes it is stated that if you punish the Army or para-military jawans for their crimes their morale would go down. This is an over simplification. Morale goes down by collective punishments in which innocent soldiers suffer, not by punishing the guilty. Our jawans are not some kind of

hungry lions or ghouls who will lose their condition if human prey is not offered to them. Most of our jawans are god fearing and well disciplined, only the wrong attitude of their officers and their wrong deployment results in human rights abuses.

Suppression of the entire population by use of bullets cannot be used as a state policy because it is bound to be counter- productive.

NOTES ON THE HAZRATBAL CRISIS

The importance of Hazratbal flows from the holy relic *Moe-e-Magaddas* which was brought to the valley in the 17th century. Khawaja Nooruddin Ashawari, a prosperous Kashmiri trader in Delhi acquired it around 1110 Hijri from one Sayyid Hamid, whose family had carried it for many generations. Ashawari claimed that he was visited by the Prophet himself in a dream who instructed that the relic be carried to Kashmir. Aurangzeb somehow came to know of this and claimed the relic, which he wanted to place at Ajmer. Later, however, he changed his mind and sent the relic to Kashmir.

The relic, which is supposed to be a strand of the Prophet's beard, was embedded in a piece of quartz. The relic was initially installed at Dargah-e-Naqshbandi in Srinagar but was later moved to Bage-e-Sadiq Ali in a Baradari on the banks of the Dal Lake, now called Hazratbal.

Sheikh Abdullah used this place for his political sermons as he was clever enough to see the advantage of patronising Hazratbal, which attracted a very large number of people due to the presence of *Moe-e-Muquaddas*. In the course of his long political career he made all important announcements from here in his pre-Khutba speeches.

Later Sheikh Abdullah got a new structure constructed here in the shape of the present Hazratbal shrine. Today Hazratbal has got a great religious and emotional significance for the Kashmiris, though Sheikh Abdullah is no longer loved or venerated. In fact his grave has to be guarded against the vandals.

The cordon of Hazratbal in October 1993 has been much publicised, although it was the second time since 1963-64 when this relic was used to stir up the masses

against the government. It is a sure method of stirring trouble but putting the Army cordon round the place gave the incident an added significance as it was rumoured that the Army will storm it to apprehend or kill the terrorists holed up inside. A closer analysis shows that the whole episode was perhaps engineered to catch the government on the wrong foot. The question now is what should be done if such an act is repeated in some way, this time in some other shrine venerated by the Kashmiris.

Incidentally, the British used the university area near Hazratbal as a prisoner of war camp and had a large quantum of guards located here. We allowed the campus to become a hot bed of separatist politics and a hideout for terrorists, without taking any counter-measures. Here we will study the Hazratbal crisis with a view to draw some important lessons based on the sequence of events and other reports from 16 October onwards.

SEQUENCE OF EVENTS

Oct 16 : Troops lay siege to Hazratbal shrine; power and water to the shrine is cut off. Six women come out of the shrine. One man killed in overnight gun battles between militants and security forces in the city. Curfew imposed in parts of Srinagar. Rumours spread that Army is going to storm the shrine.

Oct 17 : Militants tell chief negotiator Mr Wajahat Habibullah and Inspector-General of Police Mr AK Suri they would hand over the shrine to the people if curfew was lifted. They threaten to blow up the complex if it was stormed. Life in most parts of the valley remained crippled because of the *bandh* called by militant organisations. Eight columns of Army deployed around the shrine.

Oct 18: Two fresh rounds of talks fail. The fathers of two deceased militants allowed to talk to the militants in the shrine.

Oct 19: Militants put up emplacements. Demonstrators numbering 400 lathi-charged in the city. People's Conference Chairman Abdul Ghani Lone hurt in the lathi-charge and arrested. Great publicity given to the event by international media.

Oct 20: Police firing in Rainawari area of Srinagar. Pitched battles between militants and BSF in Rainawari and Batmaloo areas. Militants inside the shrine demand safe conduct to Pakistan, which is ruled out. Life remained crippled for the sixth day.

Oct 21: Government offers to free militants conditionally. "Red alert" sounded and additional troops deployed in view of a call by Kashmir Hurriyat Conference to march to Hazratbal from various parts of the valley, after Friday prayers. Various processions lathi-charged and teargassed; Srinagar and six other towns placed under curfew.

Oct 22: At least 40 people reported killed at Bijbehara and 40 injured in firing by security forces on violent demonstrators demanding lifting of siege of Hazratbal. Wide spread violence in the valley follows.

Oct 23: Toll of firings in Bijbehara now 47. Court of inquiry ordered into Bijbehara firings. Border Security Force unit replaced in Bijbehara. Talks get underway but violent demonstrations leading to lathi-charge and teargassing continue.

Oct 24: Militants inside the shrine accept food from local people. Talks continue but Hurriyat Conference says demonstrations would continue until siege is lifted.

Oct 25: Talks continue. Curfew in downtown Srinagar continues. Life in valley paralysed for the 11th day.

Oct 26: Curfew lifted fully from Bijbehara and Anantnag

and partly in five police stations of Srinagar. Life still paralysed. Militants still defiant.

Oct 27: Two people, including a dumb boy released from Hazratbal. Talks continue. A five-member medical team refused entry into the shrine by the authorities.

Oct 28: One seriously ill man brought out. Stalemate continues

Oct 29: Hurriyat Conference participates in talks. Incidents of violent demonstrations, teargassing and lathi-charge still occur. High Court orders supply of food, power and water for those inside the shrine. Court also orders medical attendance on daily basis.

Oct 30: Food allowed inside the shrine. Talks deadlocked. Militants refuse to surrender arms and insist lifting of the curfew. Hurriyat Conference withdraws from talks.

Oct 31: Last woman left in the shrine released. Authorities talk to militants directly. Former Union Minister and Maharaja of J & K Karan Singh visits Hazratbal.

Nov. 1: Scuffles reported among the militants in the shrine. Hurriyat Conference offers to resume mediation conditionally but renews calls for marches and rallies.

Nov 2: Talks still deadlocked. Militants seem to dictate terms. Supreme Court orders only subsistence level food.

Nov 4: Talks receive setback as chief negotiator Mr Wajahat Habibullah and Governor's Security Adviser, Lt Gen MA Zaki seriously injured in a road accident.

Nov 7: Senior Union officials arrive in J&K with a package deal. Two prominent citizens agree to mediate. BR Singh, a senior IAS officer appointed Divisional

Commissioner, Kashmir in place of Mr Habibullah.

Nov 11: Government rejects 'Hurriyat's package' deal for release of militants. 'Hazratbal Chalo' call given by Hurriyat.

Nov 12: Protesters lathi-charged in Srinagar. Fourteen 'Hizbullah' men killed in an encounter in Doda district. Curfew clamped on entire downtown Srinagar.

Nov 13: Curfew lifted from seven police station areas in Srinagar. Strike and Hartals continue to paralyse life in valley for the 29th day.

Nov 14: Two more persons come out of the shrine. Officials continue talks with militants. J&K Chief Secretary rushes to Delhi with a fresh formula.

Nov 15: Hopes of an early settlement and fresh round of talks with militants renewed.

Nov 16: Terrorists surrender in the early hours of 16 November. Unconfirmed reports suggest government entered into a secret deal with the militants.

AN ANALYSIS OF THE EVENTS AND ACTIONS

The sequence of events and various reports clearly indicate confusion and lack of coordination at all levels of administration throughout the crisis. The army, the para-military forces and the state administration seemed to be working at cross-purposes and the cordon was allowed to continue for an inordinately long spell during which the motley crowd of militants inside the shrine received maximum international attention. Several questions arise from this display of lack of Army and Civil coordination despite the existence of a unified command. The following points require special attention :

- It is not clear as to who took the decision to replace the BSF cordon by an Army cordon, around the shrine and why was the Army rushed in on unconfirmed reports that the outer locks of the room containing the relic had been tampered with a view to steal the holy relic. It is not clear whether the decision to deploy the Army was taken by the Centre, the Governor or an individual of the so-called unified command. According to some sources in the state administration the Army authorities had insisted that since 50 to 70 heavily armed terrorists including Afghans, Pakistanis and mercenaries from other Muslim countries were holed inside the shrine, as such BSF cordon would not be able to cope up with the situation. Those who eventually surrendered were about 60 people, 40 low grade militants (two from POK) with 20 weapons. There cannot be a more pathetic example of inefficient functioning of the intelligence services and lack of coordination within a unified command;
- Senior Army officers made unnecessary statements e.g. the Corps Commander was reported to have made the following statement, obviously without proper verification :
 - "The militants have a whole lot of sophisticated arms with them, light machine-guns, universal machine-guns, a whole series of AK assault rifles and even grenade launchers. God alone knows the quantity of ammunition in their possession". (Reported by *Sunday* magazine and other newspapers).

Some reports suggested the central leadership wanted to play up the incident for political ends, on the eve of the important elections in UP, Rajasthan, Himachal Pradesh and Madhya Pradesh. This may be or may not be true but the government emerged as confused and undecisive during a major crisis

situation once again. If the option to storm the shrine was kept open, where was the need to supply food, restore water and electricity supply, providing all help to the militants to prolong the drama;

- The question of hard and soft options was openly debated in public giving indications of major disagreement between the Governor and the army commanders on the one hand and between civil and military advisers on the other and no one was sure who was actually 'managing' the show.

No advance planning seemed to have been done by the so-called unified command to deal with such a crisis although there was a gradual build up of the crisis, starting with the burning of two mosques by the militants in Hariparbat area earlier. The timing of the incident would indicate that it was planned to just precede the meeting of the Organisation of Islamic Countries at Riyadh, UN General Assembly session, Commonwealth Conference and a conference organised by Pakistan to discuss the Kashmir issue at Brussels;

- The incidents at Bijbehara in which the BSF killed 40 unarmed civilians at a critical time also seems strange. If nothing else it showed a total lack of coordination during a major crisis situation. Why was such a situation allowed to develop?
- Although the role of the High Court and the Supreme Court to intervene at a crucial stage to provide food, water and clothes to the besieged militants was viewed adversely by a segment of the media, it did revive the faith of the people of the valley in the judiciary of the country. However, the intervention of the courts during such a situation is considered debatable;
- Efforts of mediation by untrained, though well meaning individuals were of little avail; mediation

by well trained individuals could have expedited the surrender. There is, it is believed, a highly specialised (foreign trained) team with the NSG for such a purpose. Why was it not used?

- The Hurriyat Conference leaders were given much importance and publicity. They were openly aligned with the militants; as such the government did open a dialogue with the overground leadership of the militants. Did the government suddenly change its previous stand on the subject under pressure;
- The so-called dreaded terrorists were allowed to go scot free. What was the reason behind this soft paddling? What kind of a deal was made with them?
- The above factors and the handling of the situation by the government has brought out some important lessons for the future. These in a broad outline are:
 - A crisis management group and an effective apex body far removed from the day-to-day administration of the state should be established in J&K which would think ahead and work on various worst-situation scenarios. A crisis management cell can function within the unified command which can take over under crisis situations;
 - The responsibilities and the chain of command within the unified command headquarters require to be precisely defined and laid down. The dichotomy between civil and military authorities currently visible should not be allowed to exist. Norms of calling and deploying the army must be clearly stipulated and understood by all concerned;
 - The responsibility for the protection of Hazratbal and some other important shrines, should rest with a special local force raised for this purpose and placed under the trust

responsible for the upkeep of shrines. it should be upto the people and a special 'Muslim Police Force' to protect selected shrines containing holy relics;

- We should place well trained NSG groups at the disposal of the J&K government. They are well trained for special situations and can operate without creating much destruction and bloodshed. This a specialised job which cannot be undertaken successfully by armed forces of BSF/CRPF;
- The situation demands that the government and the people make a common cause against misuse of religious shrines. We should set up a civic machinery to achieve this aim;
- The Army should be called in to deal with such situations only when things are out of control of the police/administration;
- The university and the Engineering College should be shifted from this area and these premises should be handed over to the military or special police forces to ensure the safety of the Hazratbal shrine from terrorists;
- There is a need for the government to come out clear about the so-called deal with the militants. The people must be told the truth otherwise further doubts would arise about the government's determination to deal with the militants and their supporters.

SECTION FIVE

NOTES ON SUFISM AND ORTHODOX ISLAM

Sharia as a social system was evolved by early Abbasid revolutionary forces supported by religious intellectuals of *Ummayed* era (661-750). The Abbasids concentrated on developing Islam as a social system based on their own percepts of running an empire. They found the Holy Koran had only eighty out of a total of 6,616 verses dealing with legal issues and this they considered inadequate. To overcome this the Abbasids adopted the oral record of Prophet Mohammad's Sayings which had been collected after his death; the Prophet had however given no instruction about these to be used as an authority. Tradition has it that he said he only followed what the Koran dictated and no more.

However some 27,000 sayings and doings of the Prophet were codified in six canonical collections called *Hadiths*. The people who codified and interpreted them systematically were :

- Abu Hanifa-al Numan (699-767). Widespread in West Asia. The Hanafi School oriented towards urban societies.
- Malik Ibn Anas (714-96). Widespread in Central & North Africa. Maliki School oriented towards pastoral communities.
- Ibn-e-Indris Al Shafi (767-820). Widespread in Egypt, East Africa, South East Asia. 'Shafite' School. It was the most elaborate; laid down the *Sunnah* traditions and Sharia Laws in meticulous detail.

- Ahmad Ibn Hanbal (780-855). Confined to Najd in Arabia. Hanbali School which preferred the original legal system derived from the Koran and *Sunnah* instead of a legal system based on these.

The above Laws were made centuries ago and little or no revision has been made since then, despite various scientific advances and changes in customs and culture of the world. However, these codes in a certain period led to adoption of common practices and behaviour patterns among the Muslims of various diverse regions of the world. Where Islam was spread after a conquest, converts were introduced to these laws not by moral force but coercion with a certain severity. If the message was spread by traders, local customs were not interfered with and fundamentalists remain marginalised e.g. in Indonesia.

SUFISM

In some parts of the world a purely legal face of the religion was not found spiritually satisfying. Arduous religious practices were seen by some as too 'austere' and a legalistic approach to God. They derived their authority from the example of Prophet Mohammad himself who used to retire to a cave for meditation and undertook nightly vigils. They, therefore, laid stress on meditation and contemplation and considered it to be a more direct route to reach the supreme Deity. They considered mixing of world affairs, like pursuit of political power or kingship, a distraction from seeking Allah, who was within all beings. They gave preference to warmth, piety and altruistic love to dry rituals. These came to be known as *Sufis* named after their apparel, a kind of flowing woollen gown made of Suf (Wool). Hassan-Al Basri (d 728) was the first famous 'Sufi Saint'. In the course of time two kinds of 'Sufis' emerged — the 'Ecstatic' and the

'Sober'. The ecstasies like Al Husain Ibn-e-Mansur (857-922) declared 'I am the ultimate Truth (or God)', perhaps meaning to convey that God is within me. He was executed as a heretic. Abu Mohammad al Gazali (1058-1111) was a Sufi of the 'Sober' Sect. He believed that mysticism was a way to perceive the 'ultimate Reality' but he tried to fit the mystical experience within the 'Sharia'. Ghazali thus tried to integrate the orthodox system of Hanifites and Shafites with a spiritual infrastructure originating from Prophet Mohammad's mystic consciousness. His work called *Ikhya-Ulum-al-Din* became the living document for the Sufi brotherhoods of the future. The first Sufi brotherhood was founded by one Abdul Qadir Gilani of Baghdad (1077-1166). A brotherhood consists of 'Murids' or aspirants, Dervishes, roving minstrels with a 'Pir' or 'Sheikh' as a guide. Women could also be admitted to this brotherhood. The system was linked by a chain of inherited sanctity or *Baraka* or kinship of the founding Saint. The conventional 'Ulemas' could not provide a model social behaviour but various 'Sufi' Saints did. They bent orthodox rituals and encouraged devotional practices based on local customs. Sufi Sheikhs were invariably credited with miraculous powers, even after their death. Thus 'Sufism' became a bridge between various other creeds and Islam.

In India austere Islamic rituals were freely converted by the Sufis into rich and colourful practices derived from the local devotional customs and practices. Sufism grew rapidly between 1250-1500 when Islam came in contact with Hinduism and Buddhism. In India the bridge between Islam and Hinduism was provided by Sufi Saints through Qadiriya, Chishti and Naqshbandi orders.

Sufi Saints belonging to the order of 'Muhi-al Din Al Arabi' (1165-1240) extended the thesis to mean that 'Allah' was the only reality and all physical objects were mere 'shadows or appearances', an idea remarkably close to the Hindu concept of 'Maya'.

In essence every Kashmiri Muslim follows 'Sufi' Islam in one form or the other. It is believed that a large number

of Alawi Siyyads (Sufis) settled down in Kashmir under the leadership of Saiyyad Ali Hamdani, a great scholar of the Naqshbandi Sufi order. They influenced the lifestyle of Kashmiri Muslims to a very great degree.

Abul Fazal described this culture of Kashmiri Muslims in *Ain-i-Akbari* as follows.

"The most respected people of Kashmir are the Rishis who, although they do not suffer themselves to be fettered by traditions are doubtless true worshipers of God."

The Kashmiris revere Rishis of various hues even today. Baba Rishi is ofcourse well known but some 2000 others also exist.

The infiltration of armed fundamentalist groups were preceded by mullahs trying to spread the orthodox creed which was intolerant of other religions. This was a clever anti-Indian move, and unfortunately we made no attempt to counter this trend. *We must counter this movement.*

MAJOR INFERENCES WHICH CAN BE DRAWN FROM THE SOCIO-POLITICAL STUDY OF J & K (PART TWO)

RELIGIOUS POLITICS

■ Attempts to spread doctrinal Islam and use of religion for political purposes, struggle between liberals and radicals have a historical background, as is evident from the following events :

- **1905** : Mir Waiz Rasul Shah founded Anjuman-i-Nusrat-ul-Islam with the aim to spread doctrinal Islam. It established several schools and conducted its business through a system of councils and committees;
- **1920 to 1923** : There was a tussle over the 'Qaidiani' question whom Mir Waiz Rasul Shah considered unIslamic. The (Islamic, anjumans initiated moves against the Maharaja through agitations and protest marches in the name of religion. Between 1920-23 several politico-religious movements were initiated by various Islamic anjumans which came into being from 1920 onwards;
- **1924** : Labour unrest in the Government Silk Factory took a communal turn and became a platform for airing grievances of Kashmiri Muslims. Their charter of demands included equitable representation in government services and a new constitution which would give a proper representation to Muslims;
- **1931** : Rumours were spread that a mosque had

been demolished in Jammu on the approval of the Maharaja and copies of the Holy Koran were desecrated. This started a series of agitations and protests against the Dogra rule and led to violence, and police firing killed several people;

- **1931** : On 13 July 1931 the mobs tried to interfere with the trial of one Abdul Qadeer of NWFP who was charged with making provocative speeches against the Dogra ruler during the 1931 agitation. This led to violence and police firing, in which 22 people were killed. This day was named 'Martyrs Day' in the Kashmir valley. Violence still erupts on this day in the valley on one pretext or the other. Organised political opposition to the Maharaja started in 1931;
- **1931 to 1946** : There was a clear-cut political dichotomy in the valley. One faction under Sheikh Abdullah was propagating independence, while the other under Mir Waiz Mohammad Yusuf Shah and Muslim Conference was keen on joining Pakistan. 'New Kashmir' proposals by Sheikh Abdullah in 1944 visualised an independent Kashmir;
- **1946** : 'Quit Kashmir' movement launched by the National Conference; Sheikh Abdullah led violent demonstrations against the Maharaja. The pro-Pakistan Muslim Conference kept a low profile during the 'Quit Kashmir' movement but they contested elections and won 15 seats in the Assembly. They now passed a resolution favouring merger with Pakistan. At this juncture National Conference had no member in the Assembly because they had boycotted the election;
- **1963/1964** : *Moe-e-Muquaddas* was 'stolen' to stir up trouble and discredit India in the valley

and the Muslim world. This incident was also used to oust Bakshi Ghulam Mohammad from active politics. The recent incident of Hazratbal was a similar attempt to stir up the feelings of local Muslims and to internationalise the Kashmir issue;

- **1973** : Trouble started in Anantnag when it was discovered that a 'British encyclopedia' carried sketches of the Prophet of Islam receiving holy orders from Angel Gabriel. Violence spread all over the valley; even in India Pakistani Muslims held demonstrations against the book;
- **1983-1992** : Witnessed a series of attacks on temples and various properties belonging to minority communities of the valley. The post - Ayodhya events after December 1992 resulted in a series of incidents in which temples in the valley were specially targeted. While a common man in the valley did not appreciate such incidents, fundamentalists, militant outfits carried out attacks in a well planned manner.

GENERAL OBSERVATIONS

- Pakistan has not allowed J & K state to remain peaceful or united by using the 'communal card' and invading J & K thrice since 1947.
- By placing all the eggs in Sheikh Abdullah's (one) basket in J & K we have failed to establish contact with the people.
- We have been skating on thin ice, and we seem to continue in this manner as attempts are again being made to reinstall Farooq Abdullah.
- Sheikh Abdullah always stood for independence of Kashmir and was against merger with Pakistan. He, however, spoke in different languages at different times.

- The statements of Jawaharlal Nehru in 1948-49 and the UN resolutions did commit India to 'determination' of the will of the people of Kashmir. This point should be clearly understood because hedging this fact does not really help us or convince the world community.
- There has been always a large measure of support in the western world for Pakistan's case in J & K. This continues in 1994 as is evident from the latest moves by the Clinton administration.
- In the past we have always lost out at the negotiating table with Pakistan; Tashkent and Shimla Agreements prove this point.
- Pakistan is going to continue sponsoring terrorism in J & K unless strong measures are taken against that country itself.
- We should learn to differentiate between insurgency and alienation of the people of the valley. These arise out of different factors although they are co-related.
- The regional imbalances must be redressed as a first step to sort out our internal problems in J & K. We should stop giving undue importance to the valley and its political leaders.
- The lack of economic development or deprivation of any kind is not the cause of the rise of militancy in J & K. It has risen because of fanatical religious indoctrination and sponsoring of terrorism by Pakistan. Economic or financial pampering of the valley will only help terrorism and insurgency.
- High Central assistance + Selected "leaders" + high corruption = discontentment + poverty + alienation etc.
- The perceptions of Pakistan and POK leaders as revealed from the extracts of the POK High Court Judicature attached as Appendix 'A' indicate that

they have established a case that in the event of a plebiscite, Pakistan Army may leave J & K but POK forces and administration will continue to function. In other words New Delhi's writ will not run there. This point is often missed by our politicians. Moreover POK claims that they are the legitimate government of the whole J & K state and not the one established in Srinagar since 1947.

NOTES

1. United States Department of State, Foreign Relations of the United States 1950 Volume V, The Near East, South Asia and Africa, Washington DC 1978 pp 1433-35.
Quoted in Alastair Lamb's '*Kashmir - A Disputed Legacy*' pp 189-90.
2. Refers to Sheikh Abdullah's statement of 11 August 1952, quoted in Bhushan's '*State of Politics*', op cited pp 395-400.
3. Quoted in Alastair Lamb's '*Kashmir- A Disputed Legacy*' pp 203.
4. After a series of secret parleys between the central government and the emissaries of Sheikh Abdullah, it was decided to release Sheikh Abdullah from detention.
5. 1977 Pakistan White Paper pp 119.

PART 3

ASSESSMENT OF MILITARY CAPABILITIES

SECTION ONE

AN ANALYSIS OF OVERALL MILITARY THREAT TO J&K FROM PAKISTAN AND PAKISTAN'S MILITARY CAPABILITY*

We will confine ourselves to the Pakistani and Chinese threats against J&K with a view to assess their capabilities to enlarge their areas of occupation in a short duration war.

PAKISTAN's POSSIBLE AIMS IN J&K

Pakistan will without doubt aim to capture maximum territory in the Kashmir valley and may attempt the same in the Poonch sector. It may in view of the Siachen dispute attempt to advance along Shyok valley to cut off Indian positions in Siachen. Any other objectives will be with a view to improve its bargaining position. However, an offensive in the mountains is a slow, tedious process and as such Pakistan may basically concentrate on the Kashmir valley. In terms of quantum of resources and troops this may mean

*This section has been based on threat analysis carried out by Lt Gen KS Khajuria, PVSM (Retd.)

thinning out troops from other areas, even Punjab. In view of this it may have to confine its offensive to one selected area in the Kashmir region. It may in this context attempt to capture some areas on Shamsabari range which would open up windows into the valley. Such areas are available in Tithwal, Keran and Gurez sectors. In plain language Pakistan's capability to take offensive action in J&K is limited. In the next few pages we will have a look at its military posture and overall capability in J&K.

PAKISTAN'S MILITARY POSTURE OPPOSITE J&K

MILITARY DEPLOYMENT

Barring the international border from Jaurian to the Ravi river and the Line of Control separating the Northern Areas from Ladakh, the Pakistani and Indian security forces are eyeball to eyeball throughout the POK border with J & K along the LC. The 1965 and 1971 wars did see some changes of this LC on the ground and most certainly an increase in the force levels deployed by both sides.

Known deployment in POK of the Pakistani Army and other elements such as Mujahid units is covered as under;

- Controlling Headquarters (HQ) - 10 Corps;
- HQ Frontier Corps Northern Areas located at Gilgit with four infantry brigades having a total of 12 regular infantry battalions and 4 Mujahid battalions;
- HQ 12 Infantry Division at Murree with one infantry brigade and four POK brigades, a total of 15 regular battalions and 13 Mujahid battalions;
- HQ 23 Infantry Division at Jhelum with one infantry brigade, two POK brigades, one armoured regiment, one Reconnaissance and support battalion and one Missile Company;

- HQ 19 Infantry Division at Mangla with three infantry brigades;
- In addition two infantry divisions are deployed opposite the International Boundary between Chenab and Ravi rivers;
- All these formations have their supporting arms and services suitably deployed.

In terms of numbers this force represents practically 20 per cent of Pakistan's military might. To support this deployment both tactically and strategically there are the following military bases, formations and air bases.

- Rawalpindi
- Peshawar
- Kharian
- Sialkot
- Sarghodka air base
- Skardu airfield

To Pakistan's advantage, its interior lines of communications bestow it the ability to move forces to the borders with J & K from their permanent locations with fair speed; thus permitting use of reserves to advantage at the point of need, both with offensive and defensive intent. Whether these reserves can actually be so utilised or not is a different matter, as, with a long border with India from J & K to the Sindh, Pakistan has tremendous vulnerabilities. In the event of any war with India there will be a no holds barred contest and the reserves will have to be judiciously used as Indian options are considerable.

No further discussion on this is being undertaken as it is outside the purview of this book. However, in the succeeding paragraphs the offensive and defensive capability across the LC in J & K is brought out.

Offensive Capability: It is not really possible or practical to deal with Pakistan's offensive capability against J&K whether across the LC and the International Boundary

without the scenario of an all out war with India. Nevertheless it would be worthwhile to state the options that are available. (Before attempting to specify these options it is essential to spell out which could be the aim/aims of any offensive). These could be as follows:

- Sever communications at vital points to isolate areas of interest. These vital points can be :
 - Samba and Battal (on the Dhar-Udhampur Road);
 - Dyala Chak (Dhar Road); and
 - Akhnoor and Riasi.
- The areas of interest would be :
 - Poonch, Rajauri, Nowshera upto the Pir Panjal range ridge line and then threaten via Shopian, Yus Marg and Gulmarg. These attacks would be simultaneous with uprisings in the valley and in Kishtwar and Doda regions;
 - The Chenab river could well be the boundary as west of it all are ethnically Muslim predominant areas;
 - There would be only a marginal interest in the Ladakh region as it is difficult terrain and gains would not be commensurate with the effort required to capture. Attempts may centre on Siachen;
 - It would also not be in Pakistan's interest to launch a major offensive in difficult terrain in Kashmir as there are no worthwhile launch pads, and capture of territory would be both slow and expensive. If communications can be severed it may be easier to attack in sectors such as Tithwal, Keran, Gurez and Northern Gullies. However, activation of the entire LC to prevent readjustments would be part of any plan;

- In the ultimate analysis Jammu province will not be an attractive target for Pakistan for many reasons. Other than vital points for severing communications there would be no objectives.

With the force levels that could be made available for an all out attack in J & K for a swift surgical strike the following possibilities exist :

- *One main or major thrust* with upto three infantry divisions and ancillaries depending on area of attack;
- *One subsidiary attack or thrust* with limited tactical objectives but aimed at creating surprise and dividing Indian reserves with one division and armour, again depending on targets selected;
- *One diversionary thrust* to help gain initial surprise and reap consequent benefits. This could be by a division minus or even a brigade group only.

Defensive Capability : The deployment of the Pakistan army with the so-called POK Brigades is adequate to withstand any surprise attacks. There are also adequate reserves located centrally to be able to reinforce any sector where need arises. In the event of an all out war the concentration of forces for application at points of value by the Indian army cannot go unnoticed. Hence, with the help of a good intelligence network supported by the population, Pakistan will have informers to give timely information and advance warning, there will be therefore time enough to strengthen a threatened sector and also make timely movement of reserves.

In the current deployment level there is no major threat to the POK territory. However Pakistan's concern at the concentration of our forces in J & K to deal with militancy in the valley does pose a threat of sorts as it upsets the normal balance of forces that has been established over a long period in a 'no war no peace' situation that exists along the LC.

DEPLOYMENT IN POK

S.No.	Formation	Known Location
(a)	(b)	(c)
1.	HQ FCNA 32 Inf Bde 62 Inf Bde 80 Inf Bde 323 Inf Bde	Gilgit Kel Skardu Minimarg Dansam
2.	12 Inf Div HQ 12 Inf Div 75 Inf Bde 1 POK Bde 2 POK Bde 5 POK Bde 6 POK Bde	Murree Mandal (Lipa) Domel Rawalakot Bagh Bagh
3.	23 Inf Div HQ 23 Inf Div. 66 Inf Bde 4 POK Bde 3 POK Bde 1 x Armd Regt	Jhelum Jhelum Bhimber Kotli Bhagowal
4.	19 Inf Div	Mangla

Inf Bde : Infantry Brigade

Inf Div : Infantry Division

Armd Regt : Armoured Regiment

ATGM Coy : Anti Tank Guided Missile Company

Reg : Regular

Bns : Battalions

SECTION TWO

POSSIBILITIES OF NEXT INDO-PAK WAR AND THE NUCLEAR DIMENSIONS OF THE CONFLICT : A VIEW

From the attitude of Pakistani leadership and their recent statements it becomes quite obvious that they are not ready to compromise on the Kashmir issue. They are hoping to bring the issue back to the UNO with the help of the USA and bring to bear all the pressure on India short of a hot war. They would expect a US sponsored UN intervention in Kashmir with the aim to force India to hold a plebiscite in the Kashmir valley. Their threat of a nuclear war on Kashmir is to blackmail the world community into action against India. In the circumstances the whole LC could be activated and insurgency intensified by Pakistan to focus world attention on Kashmir during or before the debate in the UNO. The Siachen front may also be further activated in this context. This kind of dangerous brinkmanship may lead to sharp clashes on the LC which could escalate in an undeclared war in J&K.

We have already discussed Pakistani military capabilities in Section One. The military balance is not going to change materially. If Pakistan makes any gains in J&K it would suffer heavy losses also. At this juncture Pakistan would therefore want these short, sharp clashes to end in an UN intervention, after a ceasefire is unilaterally declared by Pakistan. Throughout this period insurgency and guerrilla activities would be stepped up, both to gain military advantages and for propaganda purposes. Human Rights issues will be highlighted through a propaganda barrage by Pakistan and her supporters to put further moral pressure on India. In such a situation India may not be able to accept

a ceasefire till she has made substantial gains or at least thrown out Pakistan Army from the areas they have captured. This may lead to a full-fledged fourth round.

Taking into account Pakistan's latest utterances about use of nuclear weapons in an Indo-Pak war, an ultimatum may be given to India to cease fire or face a nuclear strike. In reality it would be an ultimatum to blackmail the world community to act against India, hopefully involving a US sponsored UN group to intervene.

Under such circumstances India may be forced to enlarge the scope of the conflict and attack Pakistan in Punjab and Sindh. If India is prepared for such a contingency its army, air force and navy, acting in concert, would make major gains in Sindh, and limited gains in Punjab. India may on the other hand aim to destroy Pakistan's war potential by destroying its missile, armour, nuclear facilities and ports in a massive and swift strike from the air and the sea.

The above analysis shows that India could be forced to go to war with Pakistan in certain circumstances and should be fully prepared for such a situation. It is however unlikely that nuclear weapons would be used in such a war.

The situation described above can only develop over a period of time. A time frame of about five years from now may be considered reasonable for this. But there are many ifs and buts and these are :

- Do India and Pakistan have the kind of resolute and firm leadership to take well planned and coordinated actions envisaged above;
- Will the USA and its supporters allow Pakistan to go that far;
- Has India the political will to go for the jugular of Pakistan over the Kashmir issue;

- Does India or Pakistan have nuclear capabilities at all. Or are they bluffing each other. If not, how long will they take to develop a nuclear strike capability?

It seems because of the factors discussed above that Pakistan would not go beyond a certain point at this stage, and India seems to have no firm plans to deal with Pakistan in such a situation. This means 'half-a-war' localised in Slachen or some other sectors, along with the intensified insurgency in J & K. India on the other hand could play cool, making small military gains in J & K.

The problem for India would be to keep a US sponsored UN force or observer group off its back. This would require all the diplomatic skill at its command as a 'veto' in the Security Council is no longer guaranteed to it. Presently we have no strategic ally or allies. All steps have to be taken to ensure that Pakistan's or US moves are checkmated in the UN.

It is obvious that without building up a formidable military capability we can neither gain allies nor ward off Pakistani inspired moves in Kashmir. Only when Pakistan's own survival is at stake will it relent, and its allies, including the US will advise it restraint.

This is what can be said presently regarding a possible future Indo-Pak war; however constant analyses and detailed studies of various war scenarios have to be done at the national level by private and government think tanks. We can't afford to just talk and make no long-term plans. A grand strategy must be evolved now or it may be too late.

GLOBAL DIMENSIONS OF THE KASHMIR PROBLEM A VIEW

PAKISTAN'S POLICY AND INDIA'S OPTIONS

Pakistan's present attitude makes it quite obvious that it is not ready to live in peace with India. Pakistan therefore shows little interest in bilateral cooperation. It is doubtful, even if the Kashmir problem is solved to its complete satisfaction, it will relent in its blind pursuit of revenge with a view to humiliate India. As far as J & K is concerned it has succeeded in bringing it back onto the international stage and putting India on the defensive.

It is obvious that unless Pakistan is confronted with tough options it is going to continue to pursue its present policy of exporting terrorism and chaos to India. To counter sponsored- terrorism we have various options open. First we can raise the ante by starting counter-movements in Sindh and Baluchistan, even POK. However this will require high financial resources and a strong political will to pursue the set aims despite international pressure. Presently we have almost abandoned Afghanistan but in the overall context we must stage a comeback in Afghanistan. Besides these measures a very strong military threat should be posed to Pakistan with the aim to break down its political will to pose a threat to India. An objective analysis of facts and flow of events for the past four decades will indicate that India and Pakistan cannot live in peace in the present subcontinental political arrangement, created by an arbitrary partition. It is structurally unstable; both history and geography are against this kind of partition. To say this, is not to show any kind of irrational animus towards Pakistan but merely to face a reality.

As far as measures like hot pursuit or attacks on terrorist camps located in POK or Pakistan are concerned, these have to be enmeshed in the overall plan to confront Pakistan and not merely as a ritual. The list of training camps (Appendix 'B') indicates that most of them are located deep inside Pakistan and some even in Afghanistan. In view of this, attacking these camps is not feasible and will not serve our purpose in the present circumstances. Hot pursuit across the LC^{*} is purely a tactical exercise meant to kill those crossing the LC or IB^{**}. This can normally be effective within a 5 to 10 km belt inside POK/Pak. This is best left to the discretion of the local commanders as there is a danger of our troops getting trapped in this game. The policy should therefore be adopted when the whole LC has been already activated and border clashes have occurred. Attack on camps and hot pursuit are not recommended in J & K.

THE US INTEREST IN AN INDEPENDENT J & K

America seems to be interested in establishing an autonomous or independent Kashmir State for its own interests. A foothold in this region will allow it to watch and influence events in Tibet, Xingjiang, Central Asia, Afghanistan, Pakistan and India. It should be noted that the whole of J & K is not required for this purpose, so the USA may perhaps be satisfied if the Kashmir valley and parts of Ladakh emerge as a semi-independent entity under US tutelage. Having a base and observation facilities centred in the Kashmir valley they can influence events in India and Pakistan and pose a threat to Tibet, from the Ladakh plateau. In view of this they may prefer to leave the present status of POK and Jammu undisturbed and manoeuvre to get a foothold in the Kashmir valley and parts of Ladakh. American lobbyists and agents have been propagating an independent Kashmir (not independent J & K) for more than a year now. Their visiting professors lobbying in India have

*LC - Line of Control

**IB - International Boundary

been able to create an opinion for an autonomous Kashmir among some government officials, journalists, intellectuals and senior retired service officers.

It is possible that the USA may eventually advocate the idea of 'regional plebiscites', under the existing 'governments' for all other regions except the Kashmir valley and Indian controlled Ladakh—here they may propose a plebiscite under UN supervision.

The other big powers except China are likely to support USA in this game. The Islamic world may also go along with this idea but for Iran. The 'Great Game' which the British played in the nineteenth century has been revived now by the US administration. India should stand firm and continue to expose Pakistan's role in sponsoring terrorism, in all international meets with vigour and conviction.

Presently the questions of Human Rights and NPT are being raised to pressurise India to soften its stand on J & K. Pakistan's minimum demand is a merger of the State with Pakistan, which according to their perceptions is the 'unfinished business of partition'. However, hidden behind these empty platitudes is a policy of expansion to increase its strategic depth and gain a position of advantage in the subcontinent. The next obvious step would be to pose internal as well as military threats to Punjab from this direction and rekindle the Khalistan issue. India cannot allow such a situation to arise.

SECTION THREE

CHINA'S MILITARY POSTURE IN TIBET AND HER MILITARY CAPABILITY AGAINST LADAKH*

In Ladakh, Aksai Chin to be precise, China is already in occupation of all the areas claimed by it, as such it is unlikely that it would like to advance any further in this area. In view of this and its logistical limitations of launching an offensive beyond its area of claim it is most unlikely that China would take to offensive action in the normal course. However, if it is to collude with Pakistan and act in concert then it may threaten our positions South of the Karakoram Pass, Chushul or Demchok. In case they decide to take such an action they would require about six to eight divisions to launch a successful offensive. As it would be seen from its overall posture in Tibet it would not be able to muster or sustain this force opposite Ladakh. A short note on China's military posture and capability vis-a-vis our own offensive capability follows. This would indicate that not many worthwhile or viable military targets are available to China in Ladakh.

*This section has been based on an analysis carried out by Lt Gen K.S. Khajuria, PVSM (Retd).

CHINA'S MILITARY POSTURE IN TIBET

GENERAL

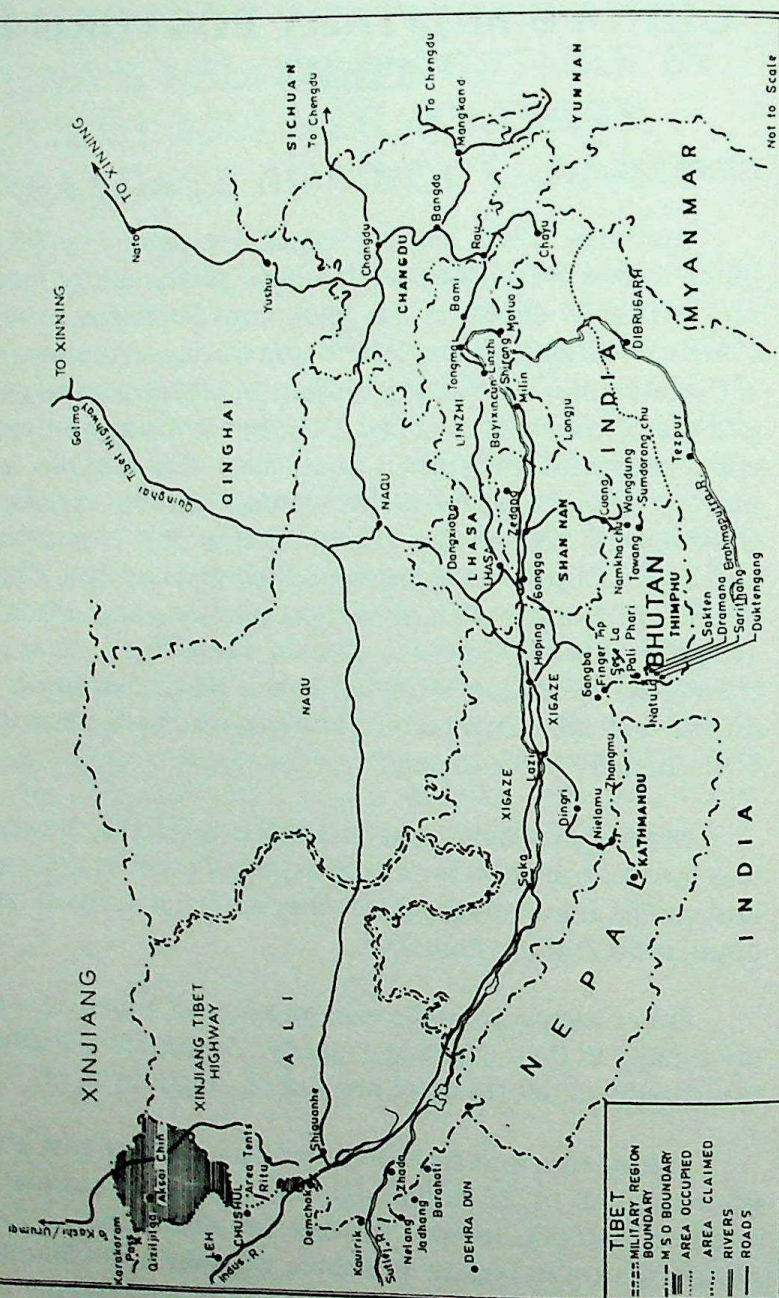
Militarily Tibet has a total of approximately 95,000 (plus/minus a few thousand) troops permanently located and suitably deployed for a strong defensive posture. Communications are available but are long and tenuous and with the railhead at Gormo, movement of all logistical needs is a major constraint. In fact Tibet has to be kept supplied with essential consumer items and this entails bulk movement by road. The Gormo -Lhasa highway is difficult, transversing high ranges enroute. For supply of petroleum and applied products there is a 4 inch pipeline from Gormo to Lhasa capable at full capacity of pumping approximately 120,000 gallons. However, due to the difficult terrain it traverses, excessive sludging takes place for which no answer has been forthcoming and this results in a less than 50% capacity being usable.

Military airfields exist in Tibet near Lhasa. However, this form of transport for all the logistical needs is not viable and can be used only for emergency and vital needs of both, population and the military.

Other highways to the east and west of Lhasa exist but are limited in their carrying capacity. The Sinkiang highway is virtually a dust track for most of its length in Tibet.

Taking this into consideration China can at best build up a total of 14/15 additional divisions or approximately another 1,40,000 troops. To have the necessary logistical infrastructure to launch this force will take a minimum of two years and then too, a sustained offensive can only last for a short period of time. Additionally the movement of this force level and its logistics needs cannot be kept secret and

MAP 12: A Chinese Map - Tibet showing disputed areas



thus would give an adequate warning period.

CHINESE MILITARY CAPABILITY AGAINST LADAKH

Without going into details of Chinese total capability against India in Ladakh only a small percentage of the additionally inducted force can either be sustained or applied. As such the Chinese are more likely to ensure that the Aksai Chin highway is in no way threatened by Indian forces and that if any attempt to capture parts of it do succeed, then there should be adequate means available to contain and destroy the intruding force. Also in the event of an all out war there is adequate capability to activate the front, tie down forces and if opportunity offers itself, to capture territory which enhances its defensive posture. A major Chinese effort in Ladakh can be ruled out as it would not be commensurate with the effort required to make it succeed nor are there any worthwhile objectives.

INDIA'S MILITARY CAPABILITIES TO RECAPTURE AKSAI CHIN

From the Indian point of view, there is on record the statements made from time to time since 1962 that not one inch of Indian territory will be permitted to remain in foreign hands, yet time and increased sophistication in intelligence gathering, own and enemy capabilities and more pragmatic military assessments would show that it would require a colossal build up effort to make ineffective the Aksai Chin highway and to recapture lost territory. With vulnerabilities on our vast border, in the current security environment it is not practical to entertain hopes of recapturing this vast and inhospitable area. Militarily in the scenario of a two front war and our vulnerabilities this is not a feasible task. This is not to rule out a negotiated settlement which is both mutually beneficial and acceptable.

CHINA'S INTEREST IN J & K

China's interest in J & K is confined to Aksai Chin and it is certain that the Chinese will not desire any foreign power like the USA getting bases or observation posts in J & K. They, therefore, would not accept the idea of an independent Kashmir which will upset the status quo in the region. To this extent the interest of India, China and Pakistan coincide.

Status quo in J & K would suit China but, perhaps it would prefer Kashmir valley and Ladakh to be in Pakistani hands. India has to be cautious on that account. The maximum concession India can give to Pakistan and China in Kashmir can be :

- Accept present Line of Control with rational adjustments as the International boundary;
- Resolve the Aksai Chin issue with China peacefully in an overall settlement of the boundary question that accepts mutual benefit, national concerns and national interests.

MAIN INFERENCES DRAWN FROM ASSESSMENT OF MILITARY CAPABILITIES

- Pakistan is not in a position to capture any major area of J & K by use of military force.
- India is not in a position to recapture Aksai Chin, POK or Northern Areas (under Pakistan), in a short duration war.
- China's military posture in Tibet does not threaten the present Indian positions in J & K. However China can collaborate with Pakistan to pose a threat in Ladakh. The possibilities of the next Indo-Pak war are few; however, India has to be militarily well prepared to defend its territory in J & K. Nuclear threat from Pakistan is aimed both against India and as a card of international concern.
- USA seems to have developed a special stake in an 'independent J & K' due to its strategic value for them in South Asia.
- India, China and Pakistan would oppose the creation of an independent J & K as it would increase their own vulnerability to western countries.
- Siachen problem should be seen in the context of our strategic requirements and the overall Kashmir problem, not in isolation.
- Efforts must be made to resolve the Aksai Chin problem peacefully so that our Armed Forces do not have to face two fronts simultaneously.
- Raids on militant training camps are not feasible as the most important ones are located deep inside Pak or POK territory. Hot pursuit can be left to the discretion of local commanders within a 5-10 km belt across the LC/1B.

PART 4

OPTIONS AND ALTERNATIVES FOR THE INTERNAL SITUATION

SECTION ONE

POLITICAL OPTIONS IN J & K

It is evident from an analysis of the composition of the population and the present political culture of J & K that in any democratic process or joint political tie-up of the three regions, the valley will be in a position to dictate the policies of the state. The international status of the Kashmir valley will also remain high as long it remains the capital region of J & K.

The crux of the matter is that J & K cannot remain under central rule indefinitely because of the turmoil in the valley. To correct the present imbalances and for better administrative and political control of the three regions, the following alternatives may be considered.

ALTERNATIVE ONE

- Declare Kashmir Division (including Muzaffarabad District (POK) union territory pending the overall resolution of the J & K problem. This could be termed as a temporary arrangement; the other two regions, Jammu and Ladakh, would continue to have the present status - which nationally would

include areas of POK in Jammu and Northern Areas of Gilgit Agency (which are directly under Islamabad government).

Kashmir Division (called as such because it will include Muzzarafabad district in POK) would come directly under the Centre either as a union territory or under some other suitable constitutional provisions.

The advantages of this arrangement would be as under:

- Jammu and Kashmir minus the Kashmir valley (Jammu & Ladakh) can form a democratic government and carry on normal administration. These regions will not be dragged down by the Kashmir valley into the abyss of turmoil and violence. The leadership or the people of the valley who are generally unconcerned about the view or the future of the people of the other two regions would not decide their fate;
- Jammu under this arrangement can become the capital. Jammu has a direct air link with Leh and a land route through Manali, besides the normal route through the valley;
- In this arrangement the capital will not shift in winter or summer, which will result in a lot of saving to the state;
- Development of Jammu and Ladakh will not be hindered as they will now have a responsive government and a separate financial allocation from the Centre. Ladakh can still be given a special status being a highly underdeveloped region;
- The regional status and political importance of the valley will change drastically; on the other hand the Centre will be able to give undivided attention to it;

- Srinagar can remain the capital of Kashmir Division with a Lt Governor or under any other suitable arrangement made therein;
- There would be no urgency or compulsion to hold elections in Kashmir. A system, like the one in the past followed for the Union Territory of Delhi can be adopted.

Disadvantages

- It may give an impression to anti-national elements that they have a better chance to join Pakistan or become independent;
- It may create an adverse international reaction for a short period.

ALTERNATIVE TWO

- Change the capital of J&K by shifting it to Udhampur or near about.
- Hold elections in Jammu and Ladakh leaving the elections in the valley pending till return to normalcy.

Advantages of alternative two

- The democratic process will restart in J & K;
- The new interim government will be formed minus the Kashmir seats;
- Shifting of the state capital will deny the present advantages Kashmiris have in the State viz. a monopoly of the state administration, essential services and other departments;
- The government departments will be less prone to subversion, terrorist influence or attack. They will not have to function from behind the barbed wire;

- The capital will not shift every six months, air links and road links will be available in Udhampur. Moreover Headquarters Northern Command will be nearby for better coordination of strategies;
- The supporters of terrorism and Pakistan agents will suffer a setback as they would not get the usual advantages they have in Srinagar;
- Most of the systems and development work can be better planned from the new capital, unhindered by hostile elements;
- Some departments can function permanently from Jammu, a few like tourism from Srinagar;
- Major industries and special institutes now functioning from Srinagar can be shifted to the new capital region, making it necessary for people to come out of the valley and their shell;
- Duplication of various industrial complexes and institutes now in Srinagar and Jammu will not be necessary, resulting in savings to the state besides changing the ethos and thinking of various regions. This will also provide a better climate for regional integration.

Disadvantages

- It may appear that we have yielded ground to terrorism;
- It will take time to effect the changeover;
- It will give an excuse to certain elements to raise a hue and cry and launch agitations.

STEPS REQUIRED IN JAMMU

- Kistwar-Doda and Bhaderwah areas which have ethnic/religious/lingual links with the valley can create problems in Jammu. It is therefore suggested that :

- Create a new settlement for Kashmiri refugees

and for those refugees who still have non-citizen status since 1947 (settled on Jammu-Pakistan border) somewhere in Doda district and provide them with all modern facilities;

- Build new military cantonments in Doda, Kishtwar and Bhaderwah to open up trade and economy. Major projects run by non-state residents along with these cantonments will change the ethos and make hostile activity more difficult in these areas;
- It would be better to shift the J & K Infantry Regimental Centre to Doda district along with a new Centre for JAK Militia. The JAK Militia can have a new class composition on the lines of Assam Rifles. This can be a permanent para-military force for J&K, under the command of Army officers;
- Special Home Guards be raised here.

The options and courses recommended above will of course require more detailed study from constitutional, political and military angles. These can however form the basis of long-term solutions and viable alternatives.

SECTION TWO

ORGANISATION AND METHOD REQUIRED IN J & K TO COUNTER INSURGENCY/TERRORISM

THE SITUATION IN THE VALLEY

The current situation requires well considered long-term and short-term solutions to combat Pak-sponsored insurgency and terrorism. The first requirement is to form an effective unified command organisation to combat terrorism, insurgency, alienation of the population, Pak propaganda and designs. In J & K we would require two separate 'Apex Bodies' — one for the valley and the other for Jammu, because in these regions the pattern and shape of insurgency will differ greatly, due to the differing population complex and terrain. In addition to the valley, Doda and Poonch are the two areas of Jammu where insurgency can become a serious threat because of the following factors:

- These areas are on the lower slopes of the Pir Panjal Range over which various routes cross into the valley from Gulmarg sector, Uri sector, Banihal sector and into Kishtwar region (described in Part One).
- The organisation of terrorism here will be on a different footing than Jammu or Kathua districts which are in a plain sector and the population composition does not allow unqualified protection to the terrorists. In view of this, urban insurgency will develop here, hit and run raids and attacks on minorities on the pattern of the Punjab terrorists are likely.

- In the Kashmir valley the apex organisation will have to cater more for urban insurgency, for violence, agitations and assassination of government/semi government officials and political leaders, besides guerrilla warfare carried out from jungle and mountain hideouts. In other words, the organisation of the apex body here will have to differ from that in Jammu. Even if the capital is shifted from the valley or the Kashmir Division is separated from Jammu and Ladakh as suggested in Section One, this arrangement will still be required.

Our suggestions for the organisations of the two apex bodies are as under :

KASHMIR

FUNCTIONS OF APEX BODIES

- Act as a permanent advisory cum action body.
- Advise the government on policy to counter terrorism and secessionist movements.
- Formulate strategies for countering terrorism and insurgency.
- Decide on operational objectives in Kashmir valley and Jammu.
- Coordinate counter-propaganda and psychological warfare against terrorists and secessionists.
- Establish contacts with social or religious voluntary organisations.
- Establish close liaison with the armed forces deployed on the LC or borders or located in the State.
- Establish contacts with media agencies and monitor media coverage.

DIVISION LEVEL ADVISORY COMMITTEE

Chairman

Commissioner

Members

IG Police

Army Member (Brigadier)

Intelligence Representative

Para-Military Member DIG

Civil Defence Member

Political Member

DISTRICT LEVEL ACTION GROUP

Chairman

District Magistrate

Members

SSP Police

Member Civil Defence Group

Liaison Officers : Army and

Para-Military Forces

Selected public figures by rotation

Volunteer Organisations

Any other invitees

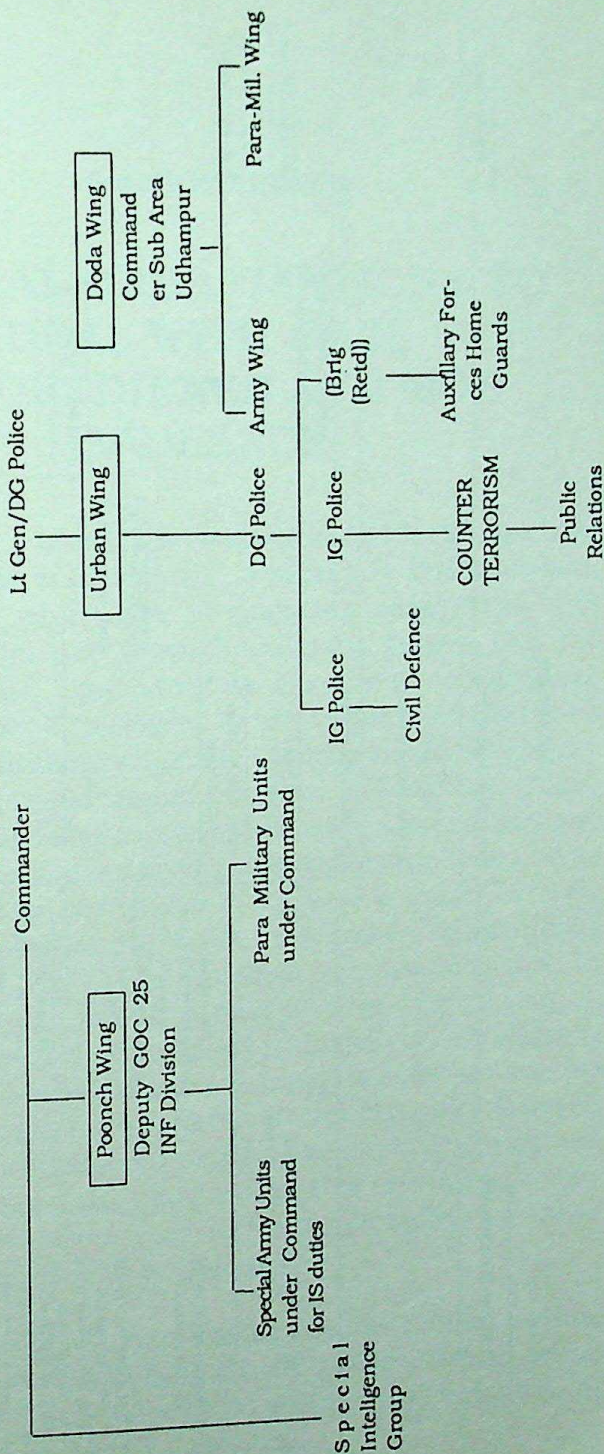
ACTION REQUIRED IN THE VALLEY**PRIORITY ACTIONS ON THE GROUND**

- Create safe or cleared areas in Srinagar by devising certain kind of obstacles.
- Construct a road to by-pass the main Srinagar town from north of Dal Lake leading to Sonamarg directly.
- Remove para-military posts and picquets from congested town areas, instead use a specially recruited police force in towns. Army and para-military units should be used only for special raids for short durations and then withdrawn. They should not even be seen after a punitive raid.

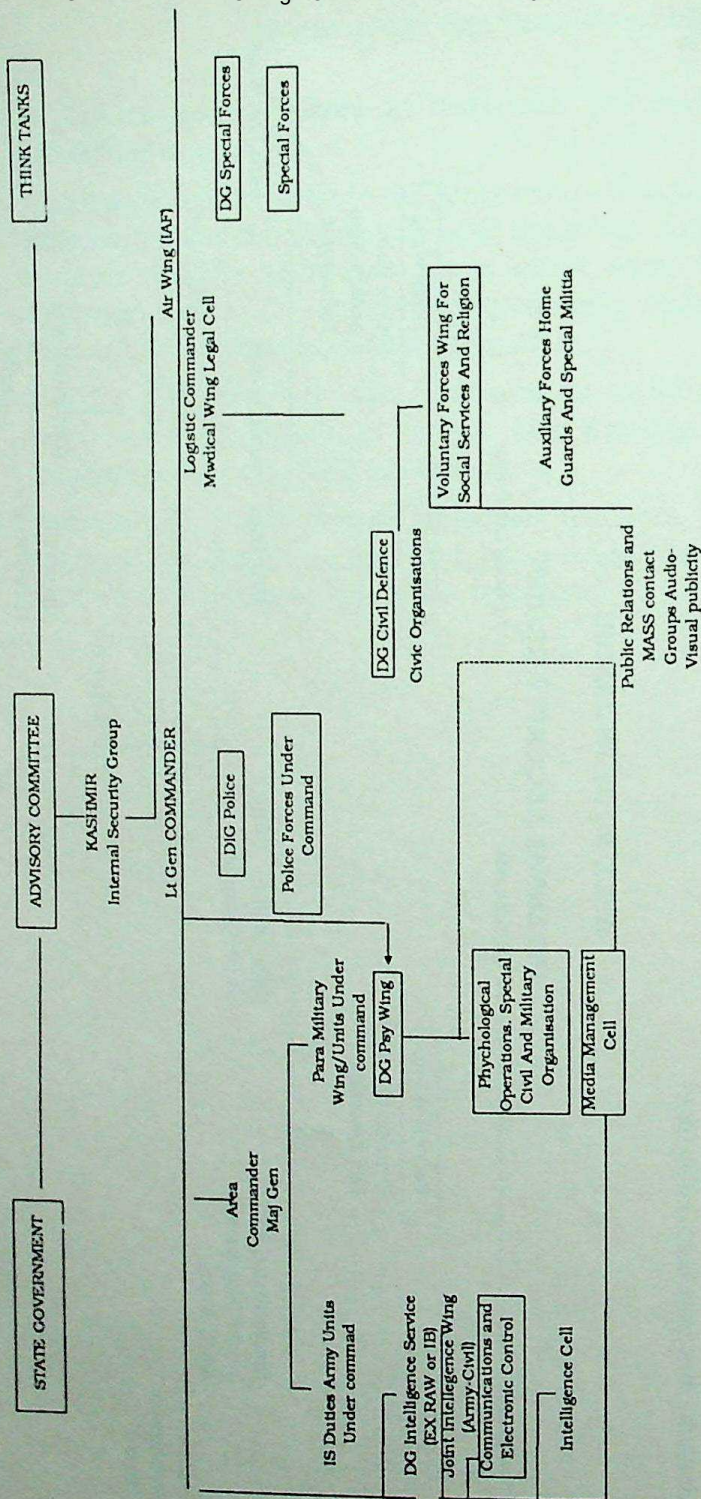
- Introduce special forces to deal with terrorists operating from towns.
- Hand over certain areas to the Army where the Civil administration should come under the Army. This is quite feasible in forward areas where Army is deployed on the LC and other selected areas where civil administration is unable to function.
- Induct special civil organisations to combat terrorist propaganda in towns like Srinagar, Sopore, Anantnag, Badgam, Pulwama.
- Introduce specially trained religious teachers to counter fundamentalism and encourage 'Sufi' culture now under attack of the terrorists.

APEX BODY IN JAMMU

INTERNAL SECURITY GROUP



KASHMIR



SECTION THREE

SPECIAL ORGANISATIONS TO DEAL WITH CIVIL DISOBEDIENCE AND MOB VIOLENCE

The causes of civil disobedience and mob violence have been discussed in Part Two. It is necessary first to combat those forces which are propagating separatism and instigating violence through religious issues like the Hazratbal crisis. This cannot be done by the government departments or official media. It would require special teams functioning within the population which can promote poetry and folk songs condemning terrorism and violence. Today our methods of dealing with mobs are ancient and barbaric when more effective methods are available now. It should be remembered that we *require to disperse* a crowd bent on violence, *not to kill people*. Various new smoke/choke bombs and improved tear gassing methods are now available. In Kashmir valley however the most effective weapon may be *water cannons*. A Kashmiri can't stand jets of cold water at all. There is no dearth of water channels or sources for using this method in any town or street. We would require however, new kinds of vehicles and pumping methods which cannot be easily stopped. In other words they are armed. This method has not been used so far in the valley for crowd dispersal and it should be tried out.

Low flooding of certain hostile areas is another method which can be successfully employed in the valley to get an area or locality vacated without using lethal weapons, as militants have frequently done.

SPECIAL ORGANISATION FOR PSY WAR PERSUASION VS COERCION

Coercion must be used on armed militants and selected groups and not on the surrounding population. Persuasion must be used on the rest of the population through well organised groups with overriding purpose of persuading the population that their safety and best interests lie with the government and not with the terrorists.

Groups of activists must make a deliberate attempt to cultivate good relations with locals, which cannot obviously be achieved by para-military forces using guns.

In such circumstances the overall control of operations should remain with the civil government or a special internal security group as envisaged earlier. This will ensure that armed operations cause minimum collateral damage.

Mob violence and agitations are essential in the kind of insurgency which has been launched in the valley to keep the pot boiling in the towns. Special groups and the local police can prove more effective in such circumstances compared to para-military forces who are trained for quite another kind of warfare.

The importance of persuasion as a policy must be understood and applied. Propaganda directed at the terrorist has to be persuasive and convincing. Psy-war is also a force multiplier, as it would influence perceptions and attitudes. It would require an intimate knowledge of the Kashmiri psyche to counter mobilise the population in the valley. The requirement would be to:

- Understand social values and religious susceptibilities of the population.
- Offer realistic and viable alternatives to terrorism and a way out for the people.

- Stimulate behavioural changes by providing factual information. People must be made to realise that terrorism is the main source of their troubles.
- Encourage people's will to survive. In other words offer resistance to terrorism.
- Ensure rumour control through special organisations and rumour control groups.
- Counter mobilise the population against religious fundamentalist groups.
- In certain spheres, persuasion would not work, here pressure must be used. A clear message that *cooperation with the government* will create better living conditions and employment opportunities must be conveyed.
- Congestion of population can be reduced in some localities by offering cheap housing, land, better employment facilities, and good public services in some selected areas.

WAR AGAINST FUNDAMENTALISM

In this sphere it is necessary to combat fundamentalism through special groups trained for the purpose. These groups should gradually attract local adherents to start a movement based on the history of tolerance of Kashmiri Muslims and their beliefs.

Selected groups from UP, Bihar etc. can be sent to establish a rapport between Indian Muslims and Kashmiri Muslims. *Kashmiris are not fully aware* of the quantum of Muslim population in India. They have been made to believe that the term Muslims means only Pakistani Muslims and not the Indian Muslims who are subdued and know nothing about their religion.

SECTION FOUR

REORGANISATION OF INTELLIGENCE SERVICES

To combat insurgency and to counter Pakistan's designs in J & K the main requirements of an intelligence network are :

- Acquisition of information to anticipate Pak designs;
- To acquire information of the plans and the future operations of terrorists and insurgents inside J & K;
- To counter the Pak propaganda and actions orchestrated to alienate the population by raising religion-based issues in the valley.

The first aspect mainly concerns foreign intelligence which is obtained through the RAW.* Results show that RAW is neither financed nor equipped or organised adequately for this role. They have failed, in the past, to anticipate events or discover Pak plans in J & K. These failures of RAW have been the subject of a national debate; however, nothing concrete has been done to set matters right. All the Pak-sponsored moves and plans in J&K had been anticipated and predicted, and published in the July 1989 issue of the *Indian Defence Review*. These moves, which had been woven into a scenario named *Op Topac* had been widely publicised. The government took no action in J&K to counter the Pakistani moves.

The second aspect concerns myriad intelligence agencies functioning in J & K through agents and informers. Here too these intelligence agencies have failed the nation.

*RAW : Research and Analysis Wing

A major flaw has been that there is no central control of various agencies. In the current organisation there are no specialised units at tactical level which can pass information directly to the security forces on the ground. The targets in an insurgency operation are fleeting and unless information is flashed to the troops it has little value. In this sphere the Army intelligence can play a major role in J & K but because of petty rivalries and lack of proper perspective MI* is not being utilised properly.

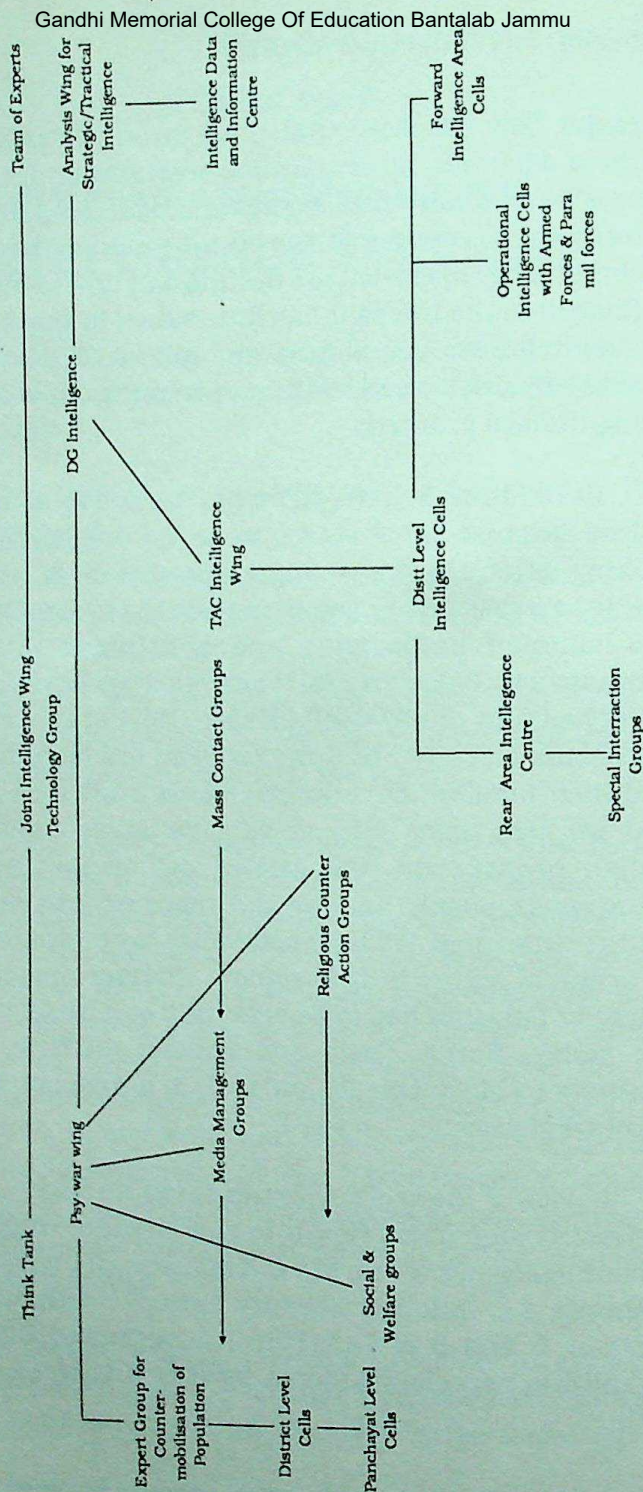
In the third sphere, there has been a total and abject failure because there seems to be no intelligence agency looking after the most important aspect of countering Pakistan's religious oriented propaganda against India. The pro-Pakistan propaganda and anti-Indian propaganda unleashed by Pakistan's ISI** and other agencies for several years has gone totally unchallenged. ISI first appealed to the intellectuals centred in Srinagar, who influenced students and their families, later special teams worked on peasants and workers using religion as their anchor sheet. Anti-Indian propaganda was carried out in the towns and countryside openly and we did more or less nothing to counter this trend. We have not even today evolved a strategy or a line of action in this sphere. Counter-propaganda to discredit Pakistan has to be organised at a massive scale in the valley, Kargil, Doda and Poonch districts. Clumsy attempts by official media and certain bureaucrats have no effect whatsoever.

In view of the proven failures of our intelligence system our main requirement now is to reorient and reorganise the whole intelligence set-up in J & K and place it under a central authority e.g. 'Internal Security Group' (recommended in Sections 2 and 3 of Part Four.) A suggested intelligence organisation specially tailored for J & K is given in broad outline :

*MI : Military Intelligence

**ISI : Inter Service Intelligence

JOINT INTELLIGENCE PANEL



This organisation would give an indication of the type of functions which are required to be performed in J & K by our intelligence agencies.

OTHER GREY AREAS

There has been an information explosion in the past few decades and a wealth of information is available through various open sources like journals and newspapers which specialise in various fields. These published sources carry a great deal of raw information which can be analysed and pieced together to produce a coherent intelligence picture. Even low grade sources can be a major source of information if the information is pieced together properly by a specialised body. We have no organised system in this sphere.

In J & K we must differentiate between security services and intelligence gathering services. These have been totally mixed up, and at the tactical level our intelligence services are not geared for the specialised tasks they are facing in J & K. Successful crisis management is extremely important in J & K because of human rights issues and the religious overtones of the crises. Successful crisis management largely depends on accurate intelligence and proper analysis of available information. We seem to lack this capability. An 'Operational Intelligence Crisis Centre' is an important requirement here. In the USA an integral all-source information centre has been developed with the capability to deliver information directly to contingency forces. We need such an organisation on a smaller scale in J & K.

The organisation and training of the intelligence groups has to be based on the latest scientific techniques. Intelligence gained through coercion and torture is usually third grade, because it generally comes from the low ranks of the terrorist hierarchy. As the security forces cannot depend on the prevalent national intelligence system to get real time intelligence required in an insurgency situation harsh methods of interrogation of prisoners have become a

norm. We require specialised groups to conduct interrogation by scientific methods.

Traditional methods of providing intelligence to the security forces, in the on-going operational situation in J & K is totally inadequate in the current environment; the intelligence campaign planning in J & K has to take the following aspects of intelligence support into account :

- Intelligence of Pak-sponsored plans in J & K;
- Intelligence on operational matters and terrorist activities/plans;
- Political intelligence;
- Social and cultural intelligence;
- Feedback on Psy-war and counter-mobilisation of local population.

In sum, we require nothing less than a fundamental change in our intelligence system in J & K.

PART 5

STATISTICS

SECTION ONE

A STUDY OF HUMAN RESOURCES IN J & K

OBJECTIVES

An attempt has been made in this section to examine the population distribution, its growth pattern, their rural/urban, sex and age composition, and quality of population like literacy and education levels, participation rate, the distribution of work force among various sectors of the economy. The study would also help to determine the man-nature interactions among the distinct physical divisions of the state. The general data on population in various districts of POK has also been included and attached. In case of areas in our own control a detailed analysis has been attempted as under¹ :

- The population distribution, density and growth pattern.
- The population composition and quality of population and militancy-based demographic pattern.
- An index of human resources on the basis of selected indicators, in order to identify the district-wise regional disparities in these attributes.

HUMAN RESOURCES

Human resource is a conclusive resource on one hand and a productive force on the other hand. The degree and extent of optimum utilization of natural resources is greatly determined by the character and capability of the population. Human resource is no less than an economic resource, if the physical and mental powers of people are rightly utilized. In the process of development, manpower performs a twin role — as an agent of production and as an agent of consumption.

The study of population — its numbers, growth, density and characteristics has assumed significant importance all over the world. "The number, density and qualities of population provide the essential background of an area's institutional development, which in turn interacts with environment and develops technological know-how for maximum and healthy utilization of the existing resource base, at the same time ensuring the environmental quality." Population study is the point of reference from which all other elements are observed and from which they all, singly and collectively, derive significance and meaning. The study of population "acts as a master thread, capable of weaving into a coherent pattern the otherwise desperate strands of the area's activities." Thus the study of population is likely to disclose a variety of social and other developmental activities of an area.

The demographic attributes of Jammu & Kashmir state have been affected by the prevailing environmental constraints, as these attributes exhibit sharp diversities and disparities among the three divisions of Jammu, Kashmir and Ladakh.

The distribution indicates the rigid nature of environmental constraints. Areas with difficult terrain and harsh climatic conditions like Leh, Kargil, Doda, Kupwara, Poonch, Udhampur and Rajauri have sparse distribution of popula-

tion. On the other hand Jammu plains and the valley regions having favourable agricultural productivity conditions, diverse economic activities especially industrial activities, and developed transport linkages and high population concentration.

Density of population was found high in the urbanised districts of Srinagar and Jammu followed by Pulwama and Badgam. These two districts are adjacent to Srinagar, where several industrial complexes have been started. All other districts have very low density of population. This testifies the strong control of natural environmental constraints like harsh topography, inaccessibility, severe cold climatic conditions. Moreover social and technological development is still in the infancy stage, limiting the development of economic activities.

The growth pattern of population in the state is directly the outcome of births and deaths, as the migration of population is very limited in the state. The state registered very low population growth rate till 1961, due to the prevailing high death rate. Significant increase in the growth rate of population, especially in Jammu and Kashmir division was observed after 1961. This is largely attributed to the significant decline in death rate due to universalisation of medical facilities and increase in the agricultural productivity. Ladakh division also showed significant increase in the population after 1971, as several developmental activities were started. The state registered a decadal growth of 29.69 per cent during 1971-81, which was higher than the national average of 24.81 per cent during the same decade. All the districts of Jammu division except Doda registered high growth rate as compared to the state average during the 1971-81 decade. However, four districts of Kashmir division namely Anantnag, Srinagar, Kupwara and Pulwama had less growth rate of population as compared to the state average. Kargil registered the least growth rate, owing to comparatively high death rate.

COMPOSITION OF POPULATION

Sex Composition

Sex composition of population is determined by a large number of bio-social factors, which include the differential death rates among the two sexes and the sex selective migration of the population. One observes high degree of association between high sex ratio and socio-economic development, especially in those areas where sex selective migration for all through the year is absent. The state registered very low sex ratio (899), as compared to the national average (935), reflecting high proportion of female deaths. Large-scale variations are observed among the three divisions, as Kashmir division had very low sex ratio of 879 as compared to 923 for Jammu division and 899 for Ladakh division. Variation in the sex composition of population shows close association with the religious composition of population.

Urban Population Distribution

Urbanisation is one of the most powerful indicators of measuring social and economic development of an area. An increasing level of urbanisation is an important index of industrialisation and overall economic development. Urbanisation is not only desirable but also essential for generating economic growth and social changes. Jammu and Kashmir state registered 21 per cent of its population in the urban areas as compared to 23 per cent for the nation as a whole in 1981.

Srinagar district registered 80 per cent of its population in urban areas, followed by Jammu (30 per cent). All other districts had very low proportion of urban population, especially Kupwara, Rajauri and Kargil. This reflects large-scale disparities in the distribution of urban centres, which could have acted as the growth centres for the

surrounding hinterlands. The harsh physical landscape, weak trade linkages and underdeveloped technology have created concentrated urban centres in the Jhelum valley Floor and the Jammu Plains. The gap in the population size between Srinagar and Jammu with the rest of the urban centres is very high. 45 per cent of the total urban population is concentrated only in Srinagar city and 22 per cent in Jammu city.

This weak urbanisation in the other districts of the state could be attributed to :

- Very low level of inter sectoral diversification in the economy, due to poor technological development. Hence the areas have a preponderance of primitive subsistence economic activities.
- The pastoral and horticultural activities are weakly developed and highly localised, due to primitive techniques, which are still prevalent in large areas.
- Industrialisation, based on agro/pastoral and horticultural resources is still in the rudimentary stage.

AGE COMPOSITION

Age composition of population is determined by large number of bio-social factors which include death rate and birth rate at various age groups. Age selective migration also affects age composition of the population. Age composition reflects the socio-economic development of any region, as the productive force is largely determined by it. Most of the developed countries have high proportion of population in the working age groups, i.e., 15-59 age group. These countries have less proportion of population in the juvenile age group i.e. less than 15 years, due to decrease in the birth rates. However, age composition of population in India is highly unfavourable, with wide base and steep tapering sides. Jammu and Kashmir state also depicts highly unfavourable age composition with 41 per cent as juvenile

population, 6 per cent as senile population and only 53 per cent as working group population. Srinagar, Kargil and Leh had comparatively high proportion of population in the working age group. This could be attributed to high infant mortality in case of Kargil and Leh and high immigration of working population to Srinagar. Senile population proportion is comparatively less for all the districts of Kashmir division and for Kargil as compared to the districts of Jammu division and Leh district.

Dependency ratio was also worked out for all the districts to find out proportion of working age population to non working age population. Most of the districts in Kashmir and Ladakh division have very low dependency ratio, while on the other hand all the districts of Jammu division especially Rajauri had high dependency ratio. (Table No. 2)

$$\text{Dependency Ratio} = \frac{\text{Population in the age group below 15 years and above 60 years}}{\text{Population in the age group 15-60 years}}$$

POPULATION QUALITY

The quality of population reflects the level of modernization of the people that enables them to utilize the resource base of the area more effectively. Among the quality of population, the literacy rate and levels of education is perhaps the most powerful indicator. Literacy rate in the state of Jammu and Kashmir is very low, due to inaccessibility, low level of urbanisation, industrialisation and poor social awareness. The state registered a literacy rate of 26.67 per cent in 1981, which is fairly low compared to the national literacy rate of 36 per cent. This reflects a weak social institutional set-up of the state, contributing to low level of technological development, hence most of the resources have not been properly utilized. The cultural impact seems to be guiding the literacy rate among the districts as Jammu and Kathua have high literacy rate in the Jammu division, while only Srinagar district has high

literacy in Kashmir division. Both districts of Ladakh especially Kargil had low literacy rate. The mountainous districts of Jammu especially Doda also had low literacy rate. The distribution of literacy rate in the state shows strong impact of religious composition, urbanisation and rigid environmental control.

Female literacy rate in the state was also very low (15.88 per cent) as compared to the national average (of 22 per cent). Female literacy was only high in Srinagar, Kathua and Jammu districts, while rest of the districts had low female literacy. Thus urbanisation and industrialisation seem to be important indicators for improving the female literacy rates. Kargil district had the least female literacy rate, indicating its social underdevelopment. Hence steps must be taken to encourage the females to go to school.

The pattern of the educational level reflects that majority of literates are only educated upto primary level. Literates with above graduation education was high only in case of Srinagar district (11 per cent) followed by Jammu and Badgam (6 per cent each). Technical education is exceptionally low for the state. The sharp disparities exist in the education levels among the districts. The drop-out rates must be effectively stopped, and at least literates should be encouraged to undergo higher level education.

PARTICIPATION RATE AND INDUSTRIAL CLASSIFICATION OF WORKERS

The total population of an area is sub-divided into two aspects — the economically active and the inactive population (or workers and non workers). The greater the workers, greater is the generating demand and production. This increasing demand ultimately stimulates the process of economic development. However, a large number of the labour force in the agricultural economies cannot be considered as a positive indicator, as most of the labour force is either underemployed or disguisedly employed and are

highly unproductive. Moreover, child labour also tends to be prevalent in these societies. The state of Jammu and Kashmir registered high participation rate (30.37 per cent). As expected districts with dominant agricultural activities and harsh topographic features had high proportion of workers, i.e. Kargil, Leh, Doda, Badgam.

The proportion of marginal workers in the state was 13.89 per cent. Ladakh division registered the least marginal workers due to harsh climatic conditions. The districts of Udhampur, Poonch, Kupwara and Pulwama had comparatively higher marginal workers. Srinagar registered the least marginal workers, i.e. only 5 per cent. Thus agriculturally dominant districts had high marginal workers, while urbanised and mountainous districts had less marginal workers.

The distribution of labour force in various economic sections is highly relevant to the levels of productivity and levels of development. Participation in specific sectors imposes specific patterns on the lives of participants, affects the kind of enterprise, as well as their social and economic awareness towards the natural environment. As the process of development moves, there is a movement of labour force away from the agricultural sector, and a corresponding increase in the proportion of secondary and tertiary sector. The state of Jammu and Kashmir registered high primary sector (61 per cent), weak secondary sector — workers engaged in household industry — (5.29 per cent) and comparatively high tertiary sector (34.35 percent). This indicates the dependence of primary activities, due to the prevailing underdevelopment of social and technological factors. Except for Srinagar district, all other districts had high proportion of cultivators, with the exception of Jammu and Kupwara. The proportion of agricultural labour is low for the state due to promulgation of land to tillers legislation.

The proportion of household workers was high only in the case of Srinagar, Badgam, Baramulla, Pulwama and Anantnag. All these districts of Kashmir division due to

inaccessibility cannot offer heavy industrialisation, hence small scale industries are developed. Jammu region being in the proximity of plains has comparatively more non-household industries. Ladakh division is conspicuously absent in the industrial sector.

The distribution of other workers in the state indicates dominance in two districts of Srinagar and Jammu. However, Ladakh division also registered high proportion of other workers and most of these workers are employed as porters on a part-time basis in the defence services. Some allied activities related to tourism have also started in this division. But these are also restricted to summer months. Most of the other workers are concentrated in the urban centres, especially in Srinagar and Jammu. These two towns serve as summer and winter capitals of the state. Hence all the administrative activities are concentrated in these two towns. Most of the big industrial establishments are also located in these two urban centres. The other urban towns act mostly as administrative headquarters, thus having workers engaged in the offices.

The distribution of workers, therefore reflects the absence of a secondary sector in the state. Hence topmost priority should be given to open industries in the state, based on the local resources. This could provide permanent jobs throughout the year. This could be achieved by opening small scale industries in different regions based on agricultural, pastoral, fruit canning, handicrafts, forest-based and wood-based raw materials.

INDEX OF HUMAN RESOURCE DEVELOPMENT

Index of human resource development was worked out for the districts of the state on the basis of compositing selected indicators. The indicators selected for this purpose were :

- Density of population
- Percentage of urban population to total population

- Dependency ratio
- Percentage of literate population
- Percentage of female literate population
- Percentage of literates with graduation and above educational level
- Percentage of literates with technical education
- Percentage of workers in household industries
- Percentage of workers as other workers.

METHODOLOGY FOR ASSIGNING WEIGHTAGES AND DERIVATION OF COMPOSITE SCORE

The indicators selected for identifying the index of human resource development are often qualitatively different in terms of their importance. Hence different weightages were assigned to these indicators. The method employed for this purpose was Principal Component Analysis. Correlation matrix for all the selected indicators was worked out. Eigen values and eigen vector were also found. On the basis of the above method the following weightages were assigned to the indicators.

■ Density of Population	3.92
■ Per cent Urban Population	4.67
■ Dependency Ratio	0.97
■ Per cent Literate Population	3.98
■ Per cent Female Literate	4.09
■ Per cent Literate Graduate	6.79
■ Per cent Literate with Technical Education	5.78
■ Per cent workers in Household Industry	3.68
■ Per cent workers in other activities	5.78

After assigning the weightages, the overall weightages derived for all the indicators were made scale free before

working out the composite index. The scale free values were obtained by working out the standard scores, known as the standard deviates. The standard scores are derived by :

$$Z_i = \frac{X_i - \bar{X}}{S.d \text{ of } (x)}$$

whereas Z_i = Standard score of any observation i

X_i = Magnitude of condition X for observation i

\bar{X} = Mean of X indicator

$S.d \ X$ = Standard deviation of X indicator

The composite index of all the indicators for territory i was worked out

$$I_i = \sum_{i=1}^n Z_i$$

Where I_i = Composite index of i level of

Z_i = Standard scores of i to n number of indicators for territory i .

Thus composite scores for all the selected indicators were arrived at. Table depicts the composite scores of all the indicators together. On the basis of final scores five groups were identified.

Srinagar district stands out as the most highly developed in terms of these indicators, followed by Jammu and Badgam. However, large gap in the composite score was observed between Srinagar and Jammu district. Kargil and Doda district registered the least score (Table). The study indicates large-scale disparities among the districts in terms of these indicators. Therefore steps must be taken to increase the social development among the population, in order to trickle the developmental waves to the grass root level. Special efforts should be made in the 8th Five Year Plan to encourage universal education among the people, especially in the mountainous and isolated regions. Small and large-scale industrial development should be encouraged, which could provide job opportunities to the population.

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NOTES

1. Based on a study by Dr B. Zutshi.

SECTION ONE

QUALITY OF POPULATION - 1981

District	% Literates	% Female Literates	Proportion of literates educated upto					Above Graduation
			Below Primary	Primary	Middle	High/Hs.	Technical	
Anantnag	22.93	10.94	27.85	26.83	22.94	13.96	.14	4.51
Pulwama	20.46	9.20	25.48	27.70	23.27	19.55	.12	3.85
Srinagar	33.89	24.66	19.37	18.97	21.82	28.43	.36	11.02
Badgam	17.86	8.02	24.22	24.90	24.18	20.50	.25	5.92
Baramula	20.62	9.57	24.09	27.37	25.23	18.59	.21	4.48
Kupwara	16.82	4.88	26.53	29.75	25.03	15.73	.22	2.71
Kargil	18.85	3.14	29.75	26.39	25.65	15.72	.16	2.33
Leh	25.16	12.09	40.97	23.42	18.32	14.01	.24	3.00
Doda	18.16	7.33	26.86	29.15	22.85	18.27	.23	2.61
Udhampur	23.51	13.54	26.85	29.15	22.32	27.11	.17	2.87
Kathua	31.92	21.24	25.68	30.66	21.85	27.00	.23	3.49
Jammu	42.85	32.24	25.68	26.70	21.85	20.00	.23	5.49
Rajauri	24.72	14.31	34.25	30.16	20.84	12.19	.13	1.80
Poonch	23.39	11.23	32.37	29.16	21.47	13.71	.26	2.99
Kashmir Div	23.36	12.54	23.67	24.50	23.31	20.93	.24	6.55
Ladakh Div	22.06	7.74	36.26	24.67	21.40	14.73	.21	2.72
Jammu Div	30.70	23.13	27.68	28.27	21.60	18.02	.22	4.11
J & K	26.67	15.88	26.00	26.47	22.38	19.29	.23	5.20

PARTICIPATION RATE & INDUSTRIAL CLASSIFICATION OF WORKERS - 1981

District	Percent	Workers	Proportion of Main Workers as			
	Main	Marginal	Cultiva- tors	Agri.Lab.	H.H. Workers	Other
Anantnag	31.67	10.77	56.67	2.80	4.49	27.06
Pulwama	29.04	21.66	65.54	2.05	5.10	27.33
Srinagar	30.12	4.78	16.68	2.68	14.60	66.05
Badgam	32.81	15.92	55.74	2.66	14.0	27.56
Baramulla	31.43	14.01	57.57	3.86	8.27	30.31
Kupwara	30.37	18.49	37.01	6.87	2.25	17.85
Kargil	45.33	9.61	74.22	3.25	.26	22.25
Leh	43.55	6.84	58.48	7.35	.80	33.31
Doda	33.48	9.88	75.57	2.64	1.93	19.74
Udhampur	31.62	22.96	69.25	0.77	1.21	28.75
Kathua	28.82	14.58	60.47	5.67	2.17	31.68
Jammu	26.66	12.77	42.03	5.46	1.54	50.96
Rajauri	27.59	17.39	73.29	1.29	1.47	23.93
Poonch	27.72	18.72	73.75	4.04	1.90	20.30
Kashmir Div.	31.92	12.92	52.64	3.38	8.94	35.04
Ladakh Div.	44.72	8.20	66.37	5.90	0.55	27.77
Jammu Div	29.03	15.27	61.31	3.57	1.64	33.46
J & K	30.37	13.89	56.85	3.49	5.29	34.35

INDEX OF HUMAN RESOURCE DEVELOPMENT (COMPOSITE SCORE)

DISTRICT	COMPOSITE SCORE	RANK
Srinagar	22.39	Very High
Jammu	13.56	High
Badgam	12.62	High
Baramula	9.87	Medium
Pulwama	8.83	Medium
Kathua	8.75	Medium
Anantnag	8.47	Medium
Udhampur	7.65	Low
Poonch	7.63	Low
Leh	7.18	Low
Rajouri	6.23	Low
Kupwara	6.06	Low
Doda	5.70	Very low
Kargil	4.72	Very low

ANNEXURE - I

District	Total Population 1981	T o t a l Area* in Sq. Kms.	Urban Popn. 1981	Literate Popn 1981	Total Workers
Anantnag	656351	3988	70286	150532	207903
Pulwama	404078	1398	36279	82702	117356
Srinagar	708328	2228	570195	240121	213374
Badgam	367262	1371	51885	65584	120495
Baramula	670142	4588	89756	13801	210620
Kupwara	328743	2379	9688	55300	99849
Kargil	65992	14036	3527	12443	29914
Lch	68380	82665	8718	17209	29777
Doda	425262	11691	25174	78678	143447
Udhampur	453636	4550	43247	106683	143447
Kathua	369123	2651	41990	117758	106399
Jammu	943395	3097	279644	404317	105684
Rajauri	302500	2630	15833	74798	61165
Poonch	224197	1674	14171	52450	45842
Kashmir Div.	3134904	15948	828099	732440	969597
Ladakh Div.	134372	96701	12245	29652	59691
Jammu Div.	2718113	26293	420059	834684	789283
J & K	5987389	222236	1260403	1596776	1818571

*Includes the area occupied by Pakistan.

POPULATION PAKISTAN OCCUPIED KASHMIR**(CENSUS REPORTS 1961, 1972, 1981 AND 1991 BY DISTRICTS)**

	1961	1972	1981	Perc. growth 72-81	1991
Pakistan Occupied Kashmir	1,064,835	1,593,786	1,980,066	24.24%	
Muzaffarabad District	257,093	349,216	466,297	33.53%	609,000
Muzaffarabad Tehsil	148,146	203,880	275,010	34.89%	
Hattian Tehsil	63,790	84,300	111,685	32.49%	
Kundal Shahi Tehsil	45,157	61,036	79,602	30.42%	
Mirpur District	263,336	406,945	427,197	4.98%	559,000
Mirpur Tehsil	107,968	169,699	175,150	3.21%	
Bhimber Tehsil	118,501	173,707	192,706	10.94%	
Dudyal Tehsil	36,867	63,539	59,341	-6.61%	
Bagh District	173,350	243,667	314,834	29.21%	412,000
Bagh Tehsil	117,382	166,801	228,405	36.93%	
Haveli Tehsil	55,968	76,866	86,429	12.44%	
Poonch District	189,952	300,068	407,180	35.70%	530,000
Rawalakot Tehsil	118,353	185,556	255,689	37.80%	
Pallandri Tehsil	71,599	114,512	151,491	32.29%	
Kotli District	181,104	293,890	364,558	24.05%	476,000
*Kotli Tehsil	142,263	208,697	261,092	25.11%	
*Nikial Tehsil	21,198	44,920	54,602	21.55%	
*Sehnsa Tehsil	17,643	40,273	48,864	21.33%	

Source : Population Census Organization, Islamabad

Note : Between 1972 and 1981, Kotli district was carved out of Mirpur district.

*Estimated figure

**Changes between 1971 and 1981 in area and population of towns
and reasons for change in area**

Name of Town (District)	Area (in Km ²) 1971	Area (in Km ²) 1981	Population		Reasons for change in area
			1971	1981	
1	2	3	4	5	6
Pahalgam (N.A.) (Anantnag district)	20.72	18.02	2,335	2,626	The difference in area is due to computational error.
Kulgam (N.A.) (Anantnag district) ...	12.42	12.82	6,369	8,202	The difference in area is due to jurisdictional change.
Srinagar (M.C.) (Srinagar and Badgam districts) ...	87.57	177.25	406,851	586,038	-Do-
Badamibagh (Cantt.) (Srinagar district) ..	5.63	4.23	7,982	11,227	The difference in area is due to computational error.
Bandipore (N.A.) (Baramula district) ..	5.56	12.12	6,201	14,218	The difference in area is due to jurisdictional change.
Gulmarg (N.A.) (Baramula district) .	7.84	8.07	543	511	-Do-
Uri (N.A.) (Baramula district)	1.19	4.90	443	2,491	-Do-
Banihal (N.A.) (Doda district)	3.64	4.07	753	1,656	-Do-
Udhampur (T.A.) (Udhampur district) ...	1.34	3.92	16,392	22,909	-Do-

Kathua (T.A.) (Kathua district) ...	1.46	1.67	17,416	23,612	-Do-
Hiranagar (N.A.) (Kathua district)	1.10	1.62	3,744	4,805	-Do-
Jammu (M.C.) (Jammu district) ...	50.50	40.00	155,338	206,135	The difference in area is due to computational error.
Jammu (Cantt) (Jammu district) ...	10.11	6.45	6,299	8,624	-Do-
Samba (N.A.) (Jammu district) ...	1.10	1.65	5,890	7,960	The difference in area is due to jurisdictional change.
Ranbirsinghpura (N.A.) (Jammu district) ...	0.49	1.06	6,496	10,481	-Do-
Bishna (N.A.) (Jammu district) ...	2.08	2.80	3,570	4,740	-Do-
Rajauri (N.A.) (Rajauri district) ..	8.09	9.01	5,939	8,690	-Do-

Area and Population

S No.	District	Provisional area 1981 c e n s u s (sq.kms.)	Population		Density (persons per sq.km. of area)	
			1971	1981	1971	1981
1	2	3	4	5	6	7
1.	Anantnag	3984	518122	656351	130	165
2.	Pulwama	1398	314158	404078	225	289
3.	Srinagar	2228	558664	708328	251	318
4.	Budgam	1371	269033	367262	196	268
5.	Baramulla	4588	517900	670142	113	146
6.	Kupwara	2379	257824	328743	108	138
7.	Leh	*82665 (45110)	51891	68380	1	@2
8.	Kargil	14036	53400	65992	4	5
9.	Jammu	3097	731743	943395	236	305
10.	Udhampur	4550	338846	453636	74	100
11.	Doda	11691	342220	425262	29	36
12.	Kathua	2651	274671	369123	104	139
13.	Rajauri	2630	217373	302500	83	115
14.	Poonch	1674	170787	224197	102	134
J & K State		**222236	4616632	5987389	N.A.	@59

* Includes 37555 sq. kms. under illegal occupation of China

** Represents provisional geographical area figures supplied by Surveyor General of India and includes 78114 sq.kms. under illegal occupation of Pakistan and 5180 sq.kms. illegally handed over by Pakistan to China. Also includes 37555 sq.kms. under illegal occupation of China in Leh District. Figures in brackets exclude area under illegal occupation of China.
@on comparable area.

Urban population

S. No.	District	Urban Population				Urban population as percentage of total district population	
		1971		1981		1971	1981
		Total	Perce- tage of t o t a l u r b a n popula- tion	Total	Perce- ntage of t o t a l u r b a n popula- tion		
1	2	3	4	5	6	7	8
1.	Anantnag	51351	6	70286	6	10	11
2.	Pulwama	22883	3	36279	3	7	9
3.	Srinagar	411395	48	570195	45	74	81
4.	Budgam	11858	1	51885	4	4	14
5.	Baramulla	61218	7	89766	7	12	13
6.	Kupwara	5025	1	9688	1	2	3
7.	Leh	5519	1	8718	1	11	13
8.	Kargil	2390	Neg.	3527	Neg.	4	5
9.	Jammu	191342	22	279644	22	26	30
10.	Udhampur	28419	3	43247	4	8	10
11.	Doda	19536	2	25174	2	6	6
12.	Kathua	25085	3	41990	3	9	11
13.	Rajauri	8397	1	15833	1	4	5
14.	Poonch	13803	2	14171	1	8	6
Total		858221	100	1260403	100	19	21

A-4 TOWNS AND URBAN AGGLOMERATIONS CLASSIFIED BY POPULATION IN 1981 WITH VARIATION SINCE 1901

Wastage and stagnation rate in Primary Stage (I-V) and Elementary State (I-VIII)

Year	Primary State	Elementary State
1980-81	46.08	59.73
1981-82	41.23	58.01
1982-83	44.85	56.46

Expenditure and Number of Teaching Staff : J & K

Year	Expenditure (Rs. Lakhs)	Number of Teachers for (in '000')		
		Primary	Middle	Total
1980-81	1493.74	10.66	13.23	23.89
1981-82	1825.62	1.87	13.96	24.83
1982-83	2479.80	11.08	14.74	25.82

Enrollment in Education in Jammu and Kashmir

Year	Pri mary Stage (Lak hs)	Midd le Stage (Lak hs)	Seco ndary Stage (Lak hs)	Tot al (Lakhs)	Colleg es of gener al Educa tion Nos.	Uni vers ities Nos.	Eng iner ing Nos.	Med icine Nos.	Agri cult ure Nos.
1950-51	0.78	0.20	0.056	1.036	2779	-	-	-	-
1955-56	1.26	0.33	0.13	1.720	5045	-	-	-	-
1960-61	2.16	0.60	0.22	2.980	8005	174	171	182	-
1965-66	2.97	0.87	0.41	4.250	10957	708	1786	929	236
1968-69	3.62	1.05	0.51	5.180	16718	1285	1280	848	80
1973-74	3.995	1.354	0.645	5.908	16161	2924	1071	1037	160
1980-81	5.378	1.672	0.836	7.886	15828	3351	1286	1072	294
1985-86	6.637	2.327	1.328	10.292	20089	4139	2784	1110	312

Literacy level

S.No.	District	Literacy percentage					
		Persons	1971		Persons	1981	
			Male	Female		Male	Female
1	2	3	4	5	6	7	8
1.	Anantnag	15.24	23.80	5.14	22.93	33.58	10.94
2.	Srinagar	28.99	38.40	17.93	33.90	41.97	24.66
3.	Baramulla	14.00	21.83	4.81	20.62	30.24	9.57
4.	Leh	15.78	26.77	4.81	25.17	36.76	12.09
5.	Doda	13.88	22.21	4.47	18.50	28.59	7.34
6.	Udhampur	15.62	22.72	7.80	23.52	32.55	13.55
7.	Jammu	30.34	39.27	20.63	42.86	52.60	32.24
8.	Kathua	21.64	30.24	12.30	31.90	41.67	21.25
9.	Rajouri	14.43	22.21	5.80	24.73	34.16	14.32
10.	Poonch	14.62	23.26	5.05	23.39	34.20	11.24
11.	Pulwama	14.54	23.37	4.26	20.47	30.56	9.21
12.	Budgam	6.61	10.74	1.72	17.86	26.51	8.02
13.	Kupwara	11.46	19.38	2.04	16.82	27.07	4.88
14.	Kargil	9.71	17.81	1.17	18.86	32.26	3.14
State		18.58	26.75	9.28	26.67	36.29	15.88

Agewise distribution of population — 1981 Census

Age group	Population					
	Male		Female		Total	
	Population	%age	Population	%age	Population	%age
1	2	3	4	5	6	7
Total	3164660	100.00	2822729	100.00	5987389	100.00
0-14	1258555	39.77	1195748	42.36	2454303	41.00
15-19	332629	10.51	289491	10.26	622120	10.39
20-24	265145	8.38	235950	8.36	501095	8.37
25-29	234284	7.40	221674	7.85	455958	7.62
30-34	194812	6.16	179504	6.36	374316	6.25
35-39	187494	5.92	168066	5.96	355560	5.94
40-49	296922	9.38	248176	8.79	545098	9.10
50-59	191246	6.04	142243	5.04	333489	5.57
60	203065	6.42	141500	5.01	344565	5.75
Plus						
Age not Stated	508	0.02	377	0.01	885	0.01

Districtwise Scheduled Caste Population (Census 1981)-J & K

S.No.	District	Scheduled Caste Population 1981	
		Numbers	%age to total S.C. Population
1.	Anantnag	6	Neg.
2.	Pulwama	22	Neg.
3.	Srinagar	109	0.02
4.	Badgam	39	0.01
5.	Baramulla	92	0.02
6.	Kupwara	29	0.01
7.	Leh	228	0.05
8.	Kargil	65	0.01
9.	Jammu	267508	53.79
10.	Udhampur	85056	17.10
11.	Doda	37173	7.47
12.	Kathua	84308	16.95
13.	Rajouri	22519	4.53
14.	Poonch	209	0.04
	Jammu and Kashmir	497363	100.00

APPENDICES (POPULATION)**SUMMARY****KASHMIR DIVISION****Population composition****1981**

Total population	3134905
Muslim (Kashmiri speaking)	85.87%
Hindus	3.95%
Gujjar & Bakerwals	9.07%
Sikhs	1.05%
Buddhists	0.06%

NOTE¹* Gujjar & Bakerwal population has been calculated on the basis of Micro physical regions identified by Census of India 1981. The population residing in these settlements falling within the boundaries of Greater Himalayas and Pir Panjal in Kashmir Division.

Refer Census of India : Regional Divisions of India - A Cartographic Analysis, Occasional Paper, Series-1, Vol - VIII, J & K.

Kashmir Division**Gujjar & Bakarwal Population****1981***

*Based on Census classification of physical regions of Greater Himalayas and Pir Panjals in the six districts of Kashmir Division.

District	Physical Division	No. of Settlements	Population
Anantnag	Greater Himalayas	23	24786
	Pir Panjals	69	81016
Pulwama	Greater Himalayas	29	29581
	Pir Panjals	5	6275
Srinagar	Greater Himalayas (Alpine)	2	912
	Greater Himalayas (Temperate)	12	15357
Badgam	Pir Panjal	-	-
Baramula	Greater Himalayas	54	44635
	Pir Panjal	137	86498
Kupwara	Greater Himalayas	-	56377
Total			345437

Jammu & Kashmir
Religious Composition of Population
JAMMU, KASHMIR, LADAKH 1891 - 1991

Table No. 1

1891 - 1931				
PROPORTION				
Year	Hindu	Muslims	Sikhs	Buddhists
1891	27.20	70.51	-	1.17
1901	23.71	74.16	-	1.10
1911	21.83	75.94	1.00	1.24
1921	20.16	76.75	-	1.18
1931	20.19	77.28	1.38	1.06
1931 (Total Popul)	Hindus	Muslims	Sikhs	Buddhists
3646243	736222	2817636	50662	38724

Table No. 2

1961 - 1981

Year	Division	Total population	Hindus	Proportion Muslims	Sikhs	Buddhist
1961	Kashmir	1988089	4.51	92.22	0.84	-
	Jammu	1572887	58.71	38.05	2.94	-
	Ladakh	88651	0.64	45.43	2.04	53.81
	J & K	3649627	28.45	68.29	1.77	1.36
1971	Kashmir	2435701	4.57	92.03	1.16	-
	Jammu	2075640	62.05	33.79	3.67	-
	Ladakh	105291	1.09	46.66	0.34	51.82
	J & K	4616632	30.41	65.85	2.29	1.25
1981	Kashmir	3134904	3.95	94.96	1.05	.06
	Jammu	2718113	66.32	29.60	3.68	0.04
	Ladakh	134372	2.63	46.05	0.24	50.88
	J & K	5987389	32.24	64.19	2.23	1.16

RELIGIOUS COMPOSITION
Jammu & Kashmir
Religionwise Growth of Population
JAMMU, KASHMIR, LADAKH
1961 - 1981

Division	Year	Total Population	Hindus	Muslims	Sikhs	Buddhists
J & K	1961-71	29.64	38.60	25.00	67.87	-
	1971-81	29.69	37.46	26.42	26.25	-
Kashmir	1961-71	27.81	29.60	27.54	76.29	-
	1971-81	28.70	6.75	27.29	12.04	-
Jammu	1961-71	31.96	39.47	17.20	64.80	-
	1971-81	30.95	39.96	14.70	31.34	-
Ladakh	1961-71	18.77	100.00	21.98	-80.0	14.37
	1971-81	27.61	207.11	25.93	-7.47	25.31

Migration From J & K 1971-81
(Based on Census record of previous place of
Enumeration)

Proportion of Migrants Due to					
Total Recorded Migrants	Employment	Education	Family moved	Marriage	Others
106574	21.31%	3.62%	31.34%	19.24%	18.84%

Jammu & Kashmir
Population composition - 1981

Jammu & Kashmir	Total population:	5987389	percentage
Hindus	: 1930448		32.24
Sikhs	: 133675		2.23
Buddhists	: 68376		1.14
Gujjar & Bakarwals (Kashmir Div)	: 345437		5.76 ethnic / Region
Muslims (Ladakh)	: 61882		1.03 Sect / wise Data for Muslims
Muslims (Jammu)	: 804637		13.43
Muslims (Kashmir Div)	2631495		43.95
Including Shia Muslims :			
Includes Shia population of Kashmir valley.			

POPULATION DISTRIBUTION, DENSITY AND GROWTH - 1981

DISTRICT	% Popn	% Area	Density of POPN	GROWTH RATE OF POPN.		
				1951-61	61-71	71-81
Anantnag	10.96	1.79	164	10.84	29.06	26.68
Pulwama	6.74	.62	289	10.84	26.85	28.62
Srinagar	11.83	1.00	317	12.62	28.21	25.52
Badgam	6.13	.61	267	12.66	25.76	36.51
Baramula	11.19	2.06	146	9.09	30.61	30.82
Kupwara	5.49	1.07	138	9.09	26.34	27.51
Kargil	1.02	6.31	5	7.66	18.50	23.58
Leh	1.14	37.19	1	7.66	19.05	31.78
Doda	7.10	5.26	36	14.18	30.38	24.27
Udhampur	7.57	2.04	100	9.32	31.61	32.37
Kathua	6.16	1.19	139	7.75	31.45	32.91
Jammu	15.75	1.39	304	9.28	41.25	30.16
Rajauri	5.05	.75	115	-3.52	26.73	39.16
Poonch	3.74	1.18	133	-4.78	10.52	31.27
KASHMIR DIV.	52.39	7.17	197	10.88	28.23	28.70
LADAKH DIV.	2.24	43.51	1	7.66	18.77	27.61
JAMMU DIV.	45.39	11.83	103	7.83	31.96	30.95
J & K	5987389	222236	27	9.44	29.65	29.69

POPULATION COMPOSITION - 1981

DISTRICT	% Urban	% Urban to Total	Sex Ratio	% AGE COMPOSITION			DEP END ENCY RATIO
				0-14	14-59	60+	
Anantnag	10.71	5.57	888	41	54	5	.85
Pulwama	8.98	2.87	896	42	53	5	.88
Srinagar	80.49	45.23	873	38	58	4	.73
Badgam	14.13	4.11	880	41	54	5	.86
Baramula	13.40	7.12	870	41	54	5	.86
Kupwara	2.95	.76	858	41	53	6	.87
Kargil	5.35	.27	853	35	59	6	.70
Leh	12.75	.69	886	34	58	8	.73
Doda	5.20	1.99	904	42	52	6	.92
Udhampur	9.54	3.43	906	43	51	6	.96
Kathua	13.38	3.33	917	42	51	7	.95
Jammu	29.65	22.18	918	40	53	7	.88
Rajauri	5.24	1.25	906	45	48	7	1.06
Poonch	4.76	1.12	889	42	51	7	.95
Kashmir Div.	32.0	66.10	879	41	54	5	.83
Ladakh Div	9.0	.93	899	35	58	7	.72
Jammu Div	15.0	32.89	923	42	52	6	.93
J & K	21.0	260403	899	41	53	6	.87

Jammu, Kashmir & Ladakh
Major Towns
1981
POPULATION DATA

KASHMIR

Name of District	No. of Towns	Name of Towns	Population 1981	% Popu.
Anantnag	8	Anantnag	33978	2.69
		Bijbehara	10791	0.85
		Kukernag	2249	0.17
		Mattan	6804	0.53
		Pahalgam	2626	0.20
		Tral	8062	0.63
		Achabal	3649	0.28
		Gazigund	1987	0.15
Pulwama	4	Pampore	10833	0.85
		Shupiyan	9653	0.76
		Pulwama	7731	0.61
		Kulgam	8202	0.50
Srinagar	3	Srinagar	606002	48.08
		Badamibagh	11227	0.89
		Ganderbal	9143	0.72
Badgam	1	Chari-Sharief	6935	0.55
Kupwara	2	Kupwara	3072	0.24
		Hamdwara	6616	0.52
Baramula	6	Bandipore	14218	1.12
		Baramula	33945	2.63
		Gulmarg	10791	0.85
		Pattan	5071	0.40
		Sopore	33584	2.66
		Uri	6596	0.52
	24		828099	65.70%
LADAKH	1	Leh	8718	0.69
Leh				
Kargil	1	Kargil	3527	0.27
	2		12245	0.98%

MAJOR TOWNS **1981** **POPULATION DATA**

JAMMU

Name of District	No. of Towns	Name of Town	Population	% Popul. of Total Urban Population
Doda	6	Banihal	1657	0.13
		Bhaderwah	6075	0.48
		Batote	2684	0.21
		Doda	5396	0.42
		Kishtwar	7174	0.56
		Tawban	2189	0.17
Udhampur	6	Katra	4573	0.36
		Ramnagar	4075	0.32
		Reasi	4646	0.36
		Udhampur	22909	1.81
		Chenani	1301	0.10
		Reamba	5743	0.45
Jammu	8	Akhnoor	6721	0.53
		Arnia	7551	0.59
		Bishna	4740	0.37
		Jammu	223361	17.72
		Ranbir Singh Pora	10481	0.83
		Samba	7960	0.63
		Vijaypore	2731	0.21
		Baribrahmana	6099	0.48
Kathua	5	Basholi	3875	0.30
		Hiranagar	4805	0.38
		Kathua	23612	1.87
		Lakhanpur	1162	0.92
		Palorle	5397	0.42
Poonch	1	Poonch	14171	1.12
Rajauri	4	Nowshera	2843	0.22
		Rajauri	8690	0.68
		Thanamandi	2614	0.20
		Sunderbani	1686	0.13
	26		420059	33.32%
Total J & K (Urban)			1260403	

Region-wise Distribution of Population in the Kashmir valley

Region	Percentage of the total population of the region		Percentage of the total population of the valley	
	Rural	Urban	Rural	Urban
valley Floor	66.00	34.00	54.00	94.00
Kerewas	98.00	2.00	36.00	3.00
Side valley	94.00	6.00	9.00	2.00
Surrounding Hills	97.00	3.00	1.00	0.13
K a s h m i r valley	74.00	26.00	100	100

Source : Zutshi Bupinder "Settlement Size and Distribution in Kashmir", 1981, *The National Geographical Journal of India*, Vol 34, Part 3, September 1988.

District - wise Distribution of Seasonal Migration in the Kashmir valley

District	No. of Seasonal Migrants		Percentage of the valley Total	
	1973-74	1975-76	1973-74	1975-76
Anantnag	20820	21504	62	59
Pulwama	4683	7015	14	19
Kupwara	5851	4823	17	13
Baramulla Srinagar Badgam	2351	3128	7	9
Kashmir valley	33705	36477	100	100

**COMPARATIVE STUDY
MICRO REGIONS OF J & K
Area / Population (1981)**

Name of the Region	Area in Sq. Kms.	Number of Settlements		Population		
		Urban	Rural	Total	Rural	Urban
Aksai Chin	2896	-	-	-	-	-
Soda Plain	9200	-	-	-	-	-
Karakoram Range	3548	-	-	-	-	-
Saltoro Ridge	1448	-	-	-	-	-
Shyok valley	11392	-	12	6068	-	-
Ladakh Plateau	14896	-	-	-	-	-
Chang-Chenmo Range	8000	-	4	2308	-	-
Kailash Range	1296	-	-	-	-	-
Ladakh Range	7552	-	29	10198	-	-
Indus valley	10286	1	73	52506	43788	8718
Zansker valley	1742	-	22	7053	-	-
Shingo-Suru valley	2050	1	68	37332	33805	3527
Greater Himalayas Mountains	111500	1	23	24981	23355	2626
Deosai Plains	1356	-	-	-	-	-
Zansker Range	16276	-	33	18712	-	-
Jhelum Plain	4623	20	2495	2789467	2050758	738709
Pir Panjals	9571	3	359	465231	460573	4658
Greater Himalayas with temperate forests	3443	-	143	13828	-	-
Greater Himalayas with alpine forests	2688	-	30	15034	-	-
Chenab-Marw valley	1785	3	262	164656	149897	14759
Lesser Himalayas	5549	7	680	567633	528959	38674
Shiwaliks	5554	6	951	588371	546542	41829
Jammu Plains	1653	11	922	537247	448834	88413
Chenab Tawi valley	1650	3	517	568764	334036	234728

Source : Census of India, Series 1, Vol-VIII, Regional Divisions of India- A Cartographic Analysis.

COMPARATIVE STUDY
Micro Regions of J & K
Proportion of Area/Population and Urban Population

Region	% Area	% populat ion	% of Urban population to total popul	Density of popu. P. Sq. Kms
Aksai Chin	2.07	-	-	-
Soda Plain	6.57	-	-	-
Karakoram Range	2.54	-	-	-
Saltoro Range	1.03	-	-	-
Shyok Range	8.15	0.10	-	0.53
Ladakh Plateau	10.66	-	-	-
Chang-Chenmo	5.72	0.03	-	0.28
Kailash Range	0.92	-	-	-
Ladakh Range	5.40	0.17	-	1.35
Indus valley	7.36	0.87	16.60	5.10
Zasker Range	11.65	0.31	-	1.14
Zasker valley	1.24	0.11	-	4.04
Shingo-Surv valley	1.46	0.62	9.44	18.21
Greater Himalayas	7.98	0.41	1.05	2.24
Deosai Mountain and plains	0.97	-	-	-
Jhelum plain	3.31	46.58	26.48	200.00
Pir Panjals	6.85	-	1.00	48.60
Greater Himalayas (with temperate forests)	2.46	2.20	-	38.2
Greater Himalayas (with Alpine forests)	1.92	0.25	-	5.59
Chenab-Marw valley	1.27	2.75	8.96	92.2
Lesser Himalayas	3.96	9.46	6.81	102.29
Shiwaliks	3.97	9.82	7.10	105.9
Jammu plain	1.18	8.97	16.45	160.00
Chenab-Tawi valley	1.19	9.49	41.26	100.00

NOTE

1. All population data is based on the Census of India 1981. Note 3 (page 49) also refers.

SECTION TWO

A SURVEY OF ECONOMIC DEVELOPMENTS IN JAMMU & KASHMIR AND EFFECTS OF MILITANCY¹

An objective study is needed to present the dynamics of the economic development of Jammu and Kashmir State, since independence. The constraints — social, political, historical and topographical — operating in the State are to be given due weightage in an appraisal of the state economy. The statistical data available can be interpreted in many ways depending upon the subjective proclivities of the interpreter. An attempt should be made to steer clear of the subjective interpretation and present an objective view of the process of economic development. There are a number of methodological limitations. For example, the state economy cannot be viewed in isolation as it is functioning as a sub-set of the national economy. A good number of performance indicators defy quantification and some even fall beyond the purview of economic logic. Lack of adequate disaggregated data poses serious limitations on any attempt to refine the analysis.

It is also not possible to present a balance sheet of the performance of the state economy by accounting for each aspect in detail.

From the time India's First Five Year Plan was launched, a process of development began in the State of Jammu and Kashmir as in the other states of the country. The economy of Jammu and Kashmir has undergone a structural transformation since the inception of planning. The transformation is multifaceted. The Net State Domestic Product registered a compound growth rate of 5.9% (at

current prices) from 1960-1961 to 1981-82. SDP (at constant prices) recorded average annual growth of 4.17% over the period 1980-1981 to 1985-1986 and 3.92% during 1985-1986 compared to the previous year. Corresponding figures for per-capita income work out to be 1.2% and 1.04% respectively (see Economic Review of Jammu and Kashmir, 1986-1987, Directorate of Economics, Planning and Development Department). Internal structure of the economy has also undergone a change which is revealed by the decline in the share of primary sector in SDP from 67.35% in 1960-1961 to 51.95% in 1985-1986, increase in the secondary and tertiary sectors from 8.82% and 23.63% in 1960-1961 to 19.37% and 28.68% in 1985-86 respectively.

The natural consequences of change in the SDP structure is the corresponding change in the occupational distribution of work-forces by different sectors. Inter-census comparison shows an increase of 30.35% in the number of workers from 13.74 lakhs in 1971 to 17.91 lakhs in 1981. As a consequence of this the work participation rate has gone up, though marginally, from 29.76% in 1971 to 30.08% in 1981. As between the two series the female participation rate has gone up from 3.86 in 1971 to 6.48% in 1981. The increase in female participation may be attributed to an improvement in their employability due to better and diversified skill formation and also positive change in the social attitudes towards their employment.

There has been a perceptible shift in the employment pattern in the State. The shift is significantly marked in favour of the combined group of other workers which covers a large variety of industrial and tertiary sectors. The number of such workers has gone up from 386638 in 1971 to 588890 in 1981 which makes a rise of 52.31 per cent. Similarly, an increase of 79.88 per cent in the number of workers engaged in household industry is an indicator of expansion of non-agricultural sector. comprising cultivators and agricultural

labourers, which claimed about 67.83 per cent of the total workers in 1971, accounts for 61.56 per cent in 1981, indicating a decline of 6.27 per cent in the labour force engaged in agriculture and allied activities. As against this employment in the residual sector i.e. other workers has gone up from 28.14 per cent in 1971 to 32.88 per cent in 1981, while household industry registered a marginal increase of 1.53 per cent in employment over the last one decade. While the share of agriculture in SDP has declined by 17.1 per cent (from 52.05 per cent in 1970-71 to 43.15 per cent in 1980-81) its share in the total number of workers has also declined from 67.83 per cent in 1971 to 61.56 per cent in 1981, that is, a fall of 9.24 per cent. *1991 census could not be conducted in the state due to political unrest. Hence these comparisons cannot be up-dated.*

The state enjoys a unique distinction of having introduced comprehensive land reforms. The comprehensive change in land relations coupled with the expansion of related factor markets have further accelerated the tempo of change in the rural areas. The rural economy has also witnessed technological diffusion on a modest scale. The use of fertilisers and HYV seeds has become common in certain areas resulting in an increase in agricultural production. Food grain production has increased from 0.33 million tonnes in 1951-52 to 1.4 million tones in 1985-86. The position has not changed much from 1985-86 to 1990-91.

Increased accumulation of capital in the rural sector coupled with availability of relatively better infrastructural facilities and various incentives and subsidies, have given a boost to farm and non-farm activities. Monetisation of the rural economy has accelerated the tempo of commercialisation and caused a discernible shift in traditional activities and occupations in certain areas (Bhat and Shahnaz, 1989). The restructuring of credit and commodity markets has had a considerable impact on the organisation and functioning of the factor markets and consequently factor shares.

Thus consequent upon a set of policy-induced government interventions in the land market, two distinct and structurally diverse sectors were created, viz. the reform sector — broadly the non-commercial subsistence type agriculture and the non-reform sector identifiable with the capitalistically organised commercial sector. The latter (for a variety of reasons) is understandably more dynamic, leading to increased investments, facilitated by subsidized credit policy within the non-reform sector. With the size of land-holdings in the reform sector declining due to demographic pressures and urban industrial employment generation being minimal, the non-reform sector has assumed the role of the leading sector in the country. As a consequence of this, significant changes (which have a bearing on income distribution, labour absorption and pattern of employment) have taken place :

- The land market is getting distorted so much that the effective concentration of land has increased over time;
- The agriculture-industry linkages (which were very weak, almost absent) have not been strengthened. On the other hand, agricultural-service linkages (trading linkages) have become stronger since 1947;
- A conventional type of rural-urban migration has gained further momentum alongwith the emergence of a new type of rural-rural migration with the migrants effectively alienated from their sustained income generating assets, particularly from their land. This is partially effected in the growing number of agricultural labourers. Though these form a small percentage of main workers (3.49%) yet between 1971 and 1981 their number has increased by 58.46%;
- The reform sector with declining area under subsistence cultivation is being transformed into a reservoir of cheap labour;

- The state economy is entirely external-market oriented with no self-sustaining growth impulse generated from within. Most of the consumption and infrastructure goods are purchased from outside the State. On a rough reckoning import-export ratio (as worked out by the State Planning Department) works out to be 3 : 1. Absence of any supply point within the State exposes the prices to outside pressures. The position is aggravated in winter when the only road connection between Srinagar and Jammu gets disrupted on account of bad weather. This unleashes speculative tendencies in the economy;
- The price structure in the valley is distorted by the remoteness of the State and partly by consumer's ignorance. It is quite possible that the regional terms of trade may be against the state economy (valley particularly). The higher prices mean that the purchasing power of the rural population is drained away and as such may be a factor in the persistence of poverty. The differences in the *All India General Price Index* and *All State General Price Index* are seldom taken into consideration while determining the commodity and financial linkages of the State with the rest of the country.

At the national level planning concretised in the shape of Planning Commission to frame Five Year Plans which in turn initiated nation-wide debates to make these plans more useful. However, the process of planning for development in the state could not be geared to the genius of the people and their hopes and aspirations. A special status in the federal policy; socio- political instability (which dominated the scene from 1953 to 1975, died down with the signing of the Kashmir Accord and started surfacing again after July 1984); intra and inter-regional diversities of terrain, climate and infrastructure are some major factors which have added a distinctive dimension to this process.

Achievements of the state economy, in comparison to rest of the country, are as spectacular as its failures in the context of opportunities and potentialities. The bag of achievements is itself uneven in terms of sectors, regions and classes of population perhaps more than the national pattern. The recent developments in the state have added a new and complex dimension to the state's tryst with modernization.

Effect of Militancy on Economy

Militancy has paralysed the economy, polity and society in the Kashmir valley. Democratic institutions and all instruments of state authority have been rendered almost redundant. The picture is grim and it does not brook any complacency. People's faith in the capacity and will of the state to govern has to be revived through meaningful policy measures. There are no short-cuts. Well-conceived policy measures — short as well as long-term have become absolutely inevitable. This calls for analysing the genesis of militancy and its fall-out on various aspects of Kashmir's society and economy in a proper perspective. While some serious aspects of militancy have been highlighted yet many other aspects have so far remained dormant or unanalysed in public debates. For instance, there has been massive loss of human and material resources which in turn has generated an acute economic crisis. Some sections of the society have been completely deprived of their assured and regular sources of income. Almost all the major sectors of the state economy are in a shambles. The development activities have come to a naught. Horizontal occupational shifts have been forced upon some of the traditional occupational groups. It is widely argued that in the absence of viable alternatives and inadequate state response some people depending upon tourism, handicrafts, liquor trade, entertainment business like cinema and audio-visual aids etc., have been virtually forced to join the ranks of militants as the last resort of survival and livelihood. This aspect of the occupational shifts needs a closer examination. Perhaps

timely state intervention could have averted this dangerous drift. Continued indifference towards basic problems could complicate the issues in the long run. People's involvement in the reconstruction activities can go a long way in isolating militants and reducing acute hardships faced by the common man. In any meaningful strategy of fighting the militancy, the development issues, including economic policy packages, have to occupy a pre-eminent place.

Among the various inputs to restore normalcy the economic factors are equally crucial. A comprehensive analysis of the impact of militancy on the various aspects of socio-economic life is extremely necessary if corrective policy measures are to be adopted. A comprehensive analysis of economic factors is necessary with a view to :

- Identify the economic factors which are directly or indirectly responsible for the rise and growth of militancy in J & K;
- Analyse changes in Income, Employment, Population and Occupational patterns in various regions of the State. This is to be seen in the background of overall structural changes in the state economy ;
- Establish correlation between economic conditions of certain areas and rise of militancy in the State;
- Examine the role of policy failures in eroding people's faith in democracy, secularism and social justice;
- Evaluate the impact of militancy on the various aspects of the state economy with special reference to those sectors which have been the worst hit and where there have been horizontal occupational shifts;
- Suggest ways and means to redress regional socio-economic imbalances;
- Formulate a special policy for those areas which are actively supporting terrorism.

Available Planning data and socio-economic indicators are given in the attached appendices for ready reference. These are from Government sources and research work done by some specialists.

THE FOREST WEALTH OF J & K

Under the new policy on forests, emphasis has been shifted from intensive production forestry to conservation and improvement of natural forests and on bringing more and more areas under afforestation, both within and outside the demarcation line.

Important schemes under implementation towards this end are the rehabilitation of degraded forests, economic fuel wood plantation, walnut plantation and rural fuel wood plantation, the soil conservation and the pasture and fodder development schemes. During the year under report 16.35 thousand hectares of forest land has been covered — 5.86 thousand hectares under territorial forests and 10.49 thousand hectares under the social forestry scheme. The number of trees planted was 155.20 lakhs under territorial forests and 263 lakhs under the social forestry project. A new project is the Economic Task Force Scheme taken up under the Prime Minister's special assistance programme. The objective of the scheme is to develop the badly affected areas right from forest areas to the agricultural land in the catchment areas and planting of quick growing species. The scheme is implemented with the assistance of the army.

Forest, one of the most important resources of Jammu and Kashmir is spread over 20,182 sq kms of demarcated area and accounts for 20% of the total geographical area of the State on this side of the control line. However, more than 99% of forest area is confined to the provinces of Jammu and Kashmir only, with largest area of 5,848 sq kms in district of Doda and smallest area of 481 sq kms in district of

Badgam. Ladakh and Kargil districts have, all told, 17 sq kms only of forest area. Over 19,236 sq kms is under coniferous soft wood and 946 sq kms under non- coniferous soft wood. In the coniferous category, fir accounts for 3,355 sq kms, kail for 1,876 sq kms, chir for 1,773 sq kms and deodar for 1,122 sq kms.

During the past two years, the exploitation of forest product has shown decline. During 1985-86 the out turn of timber had fallen to about half of the 1984-85 level. During 1986-87, 119 sq kms of area was exploited. The total quantity of timber extracted was 3.58 lakh cubic metres which was 20% below the 1985-86 level also. Besides, 105 thousand cubic metres of fire wood was extracted. However, the value of timber extracted has gone up from Rs. 104 crores to Rs. 156 crores. But the increase is due to price escalation. The value of minor products has fallen from Rs. 11.74 crores in the previous year to Rs. 10.85 crores during 1986-87. Extraction of timber and fire wood during 1987-88 was 3.21 lakh cubic metres against 4.63 lakh cubic metres previously.

Correspondingly, the timber export has also declined. The quantity exported moved down to 1.91 lakh cubic metres from 3.19 lakh cubic metres for the previous year. The quantity exported during 1986-87 includes 0.61 lakh cubic metres deodar, 0.33 lakh cubic metres kail, 0.92 lakh cubic metres fir and 0.05 lakh cubic metres chir. The exported quantity is estimated to value Rs. 52.46 crores. The export has declined further to 1.38 lakh cubic metres in 1987-88.

The revenue receipts from forest have increased. The revised estimates of revenue for 1987-88 has been Rs. 53.66 crores against Rs. 4003 crores for 1986-87.

The social forestry scheme was launched during 1982-83. The target was to plant 4,400 hectares of land with 11 crore plants.

The total outlay was Rs. 23.73 crores against which Rs.

27.42 crores or 16% excess was spent ending March 1987-88. This includes expenditure of Rs. 61.48 lakhs against outlay of Rs.61.02 lakhs during 1987-88. The project which was originally scheduled to terminate in 1986-87 was extended first up to the end of 1987-88 and then again up to March, 1989.

Against the total target of 11,185.40 hectares of area and 279.63 lakh trees for 1987-88 the achievements are 10,494.23 hectares of area and 263.31 lakh trees indicating in both cases, shortfall of 6 per cent. However, the cumulative achievement up-to-date has been about 30% in excess of the target. The up-to-date area achieved is nearly 57,000 hectares against the target of 44,000 hectares and number of plants 14.45 crores against the target of 11 crores.

NOTES

- . Based on a paper by M.S. Bhat.

SOCIO - ECONOMIC DEVELOPMENT
Index for Social Development

	District	Scores
1.	Doda	18
2.	Kupwara	19
3.	Kargil	20
4.	Udhampur	24,
5.	Baramulla	24
6.	Badgam	24
1.	Anantnag	28
2.	Leh	28
3.	Pulwama	30
4.	Rajauri	33
1.	Kathua	37
2.	Srinagar	38
1.	Jammu	57
2.	Srinagar	58
Regions : < 25 - I		35 - 45 - III
> 45 - IV		
25 - 35 - II		

Index for Infrastructural Development

	District	Scores
1.	Doda	48
2.	Udhampur	51
1.	Rajauri	55
2.	Kupwara	56
3.	Kargil	57
4.	Kathua	59
5.	Badgam	63
6.	Anantnag	64
7.	Pulwama	64
8.	Baramulla	65
1.	Poonch	67
2.	Leh	67
3.	Jammu	68
1.	Srinagar	137
Regions : < 55 - I		55 - 65 - II
> 75 - IV		65 - 75 - III

Index for Economic Development

	District	Scores
1.	Poonch	11
2.	Rajauri	12
3.	Doda	18
4.	Kupwara	18
1.	Udhampur	21
2.	Kargil	23
3.	Pulwama	23
4.	Anantnag	25
5.	Badgam	26
6.	Kathua	28
1.	Baramulla	30
2.	Leh	36
1.	Jammu	48
1.	Srinagar	91
Regions :		20 - 30 - II
		< 20 - I
		40 - 50 - I
		> 50 - V
		30 - 40 - III

Levels of (Overall) Regional Development In Jammu & Kashmir State

	District	Scores	Region
1.	Doda	104	Very Low
2.	Udhampur	116	
3.	Rajauri	120	
4.	Kupwara	134	
5.	Poonch	135	
1.	Kathua	159	Low
2.	Kargil	160	
1.	Badgam	165	Medium
2.	Baramulla	166	
3.	Leh	713	
4.	Anantnag	174	
5.	Pulwama	179	
1.	Jammu	219	High
1.	Srinagar	333	Very High

KASHMIR : THE TROUBLED FRONTIERS

Area Under Different Food and Non-food Crops for the Year 1985-86 in J and K State and Kashmir Valley
(Area in 000 hectares)

State/Valley	Food Crops					Non-food Crops			Total Area Sown	Area Sown more than once	Net Area & Sown	Cropping Intensity
	Paddy	Maize	Pulses	Fruits & Vegetables	All Food	Oilseeds	Fodder Crop	Non-food Crop				
State	265.55	286.98	44.76	53.63	918.81	72.91	31.31	111.11	1029.92	297.66	732.25	140.65
Valley	159.45 (60.04)	103.23 (35.97)	15.79 (35.28)	50.58 (94.31)	347.09 (37.76)	51.26 (70.31)	11.80 (37.69)	67.60 (60.84)	414.69 (40.26)	55.17 (18.53)	359.53 (49.10)	115.34

	Per-capita Per-year net availability* of food grains/cereals : All Jammu and Kashmir										In kgs	
	Cereals without Imports			Cereals with Imports			Food grains without imports			Food grains with imports		
	12.5% discount	15% discount	12.5% discount	12.5% discount	15% discount	12.5% discount	12.5% discount	15% discount	12.5% discount	12.5% discount	15% discount	
1950-51	115.89	112.58	122.98	122.98	119.39	121.28	121.28	117.81	128.28	124.62	124.62	
1960-61	188.47	183.08	198.05	198.05	192.39	193.63	193.63	188.10	203.21	197.41	197.41	
1970-71	210.95	204.92	238.81	238.81	231.65	216.63	216.63	210.45	244.49	237.51	237.51	
1980-81	225.79	219.34	243.61	243.61	236.65	230.90	230.90	224.30	251.65	244.46	244.46	
1986**	210.63	204.60	236.09	236.09	229.35	214.48	214.48	208.36	239.95	233.10	233.10	

Vehicles going from Srinagar to Jammu

Year	Buses/Trucks	Others	Total
1951	16000	-	16000
1961	45000	3000	48000
1971	73000	3000	76000
1981	126000	19000	145000
1984	121000	15000	136000

Percent Change in Production of Crops in Jammu & Kashmir

Item/Crop	Between 1951-52 and 1965-66	Between 1966-67 and 1986-87	Between 1951-52 and 1986-87
Paddy	07.59	129.53	273.83
Wheat	177.27	89.28	381.81
Maize	29.26	133.78	321.00
Other Cereals	-7.40	-23.07	-25.92
Total Cereals	30.16	119.43	279.81
Pulses	15.00	16.66	50.00
Total Food Grains	29.49	113.17	269.62
Oilseeds	50.00	110.00	250.00

ORCHARD INDUSTRY IN J & K

Size Distribution of Orchard Holdings in the Kashmir Valley

Size Distribution of Orchard Holdings in the Kashmir Valley								
	Total Holdings		Holdings where net cultivated area is wholly under Orchards		Holdings where area is partly under Orchard holdings			Total area under Orchards
	No.	Area	No	Area	No	Total Area	Area Under Orchards	
Size classes (in acres)								
Marginal	463473 (82.49)	454618 (47.63)	9664 (82.59)	8760 (45.65)	51466 (72.63)	55269 (34.00)	14893 (33.77)	23653 (37.37)
Small	64529 (11.48)	227251 (23.81)	(2.08)* 1363 (11.64)	(1.92)* 4476 (23.32)	(11.10)* 11421 (16.11)	(12.15)* 38547 (23.71)	(3.27)* 10197 (23.12)	(5.20)* 14673 (23.18)
Medium	20498 (3.64)	123462 (12.93)	(2.11)* 395 (3.37)	(1.96)* 2249 (11.72)	(17.69)* 4418 (6.23)	(16.96)* 26888 (16.54)	(4.48)* 6810 (15.44)	(6.45)* 9059 (14.31)
Large	13339 (2.37)	148948 (15.60)	(1.9)* 279 (2.38)	(1.8)* 3702 (19.29)	(21.55)* 3546 (5.04)	(21.77)* 41833 (25.73)	(5.51)* 12191 (27.64)	(7.33)* 15893 (25.11)
All Size Classes	561839	954279	(2.09)* 11701 (2.08)*	(2.48)* 19187 (2.01)*	(26.58)* 70851 (12.61)*	(28.08)* 162537 (17.03)*	(8.18)* 44091 (4.62)*	(10.67)* 63278 (6.63)*
Grnl Coefficient	0.4703		0.5230		0.5137			

Size Distribution of Orchard Holdings in Jammu and Kashmir

Size classes (In acres)	Total Holdings		Holdings where net cultivated area is Wholly under Orchards		Holdings where area Partly under Orchard		Total area under Orchards
	No.	Area	No	Area	No.	Total Area	
Marginal	712678 (72.82)	727277 (32.11)	10180 (82.64) (1.42)*	9046 (45.31) (1.24)*	53029 (70.96) (7.44)*	57532 (31.85) (8.07)*	24257 (36.97) (3.33)*
Small	154496 (15.78)	557413 (24.61)	1408 (11.43) (0.91)*	4575 (22.91) (0.82)*	12102 (16.19) (7.83)*	40927 (22.66) (7.34)*	15066 (22.96) (2.70)*
Medium	59977 (6.12)	365819 (16.15)	417 (3.38) (0.69)*	2341 (11.72) (0.63)*	5132 (6.86) (8.55)*	29630 (16.40) (8.09)*	9436 (14.36) (2.57)*
Large	51515 (5.26)	614092 (27.11)	312 (2.53) (0.60)*	4001 (20.04) (0.65)*	4459 (5.96) (8.65)*	52502 (29.07) (8.54)*	16836 (25.66) (2.74)*
All Size Classes	978666	2264601	12314 (1.25)*	19963 (8.81)*	74722 (7.87)*	180591 (7.97)*	65595 (2.89)*
Gini Coefficient	0.5204		0.5290		0.4343		

Export of Fruits (Lakh Quintals)

S.No.	Year	Fresh Fruit	Dry Fruit	Total
1.	1973-74	15.98	0.91	16.89
2.	1977-78	25.15	0.82	25.97
3.	1980-81	38.22	0.95	39.17
4.	1983-84	43.85	0.76	44.61
5.	1984-85	45.56	0.99	46.53
6.	1985-86	54.28	0.92	55.17
7.	1986-87	48.84	1.10	52.94
8.	1987-88	33.20	0.08	34.00

EMPLOYMENT IN HANDICRAFT INDUSTRY J&K

Estimated employment level in the handicrafts sector

YEAR	CARPET	NAMDHA	CREWEL	WOOD CARVING	PAPER MACHIE	CHAIN STITCH	FUR AND LEATHER	WOOLLEN SHAWLS	OTHERS	TOTAL
1976-77	0.06 {6.90} (1.23)	0.02 {2.30} (8.58)	0.04 {4.60} (2.51)	0.03 {2.30} (6.23)	0.01 {1.15} (2.82)	0.001 {0.11} (0.71)	0.004 {0.46} (2.03)	0.28 {32.18} (6.79)	0.43 {50.00} (11.59)	0.87
1977-78	0.10 {10.31} (1.23)	0.02 {2.06} (8.58)	0.04 {4.12} (2.51)	0.02 {2.06} (6.23)	0.01 {1.03} (2.82)	0.001 {0.10} (0.71)	0.005 {0.51} (2.54)	0.28 {28.86} (6.79)	0.49 {50.93} (13.17)	0.97
1978-79	0.31 {26.96} (6.35)	0.01 {0.87} (4.29)	0.12 {10.43} (7.55)	0.02 {1.74} (6.23)	0.02 {1.74} (5.63)	0.005 {0.43} (0.05)	0.01 {0.87} (5.08)	0.33 {28.69} (8.00)	0.32 {28.26} (8.66)	1.15
1979-80	0.44 {32.83} (9.02)	0.01 {0.87} (4.29)	0.14 {10.44} (8.80)	0.02 {1.49} (6.23)	0.02 {1.49} (5.63)	0.01 {0.75} (7.14)	0.01 {0.75} (5.08)	0.35 {26.12} (8.49)	0.34 {25.37} (9.06)	1.34
1980-81	0.47 {32.64} (9.63)	0.02 {1.39} (8.58)	0.16 {11.11} (10.06)	0.03 {2.08} (9.34)	0.03 {2.08} (8.45)	0.01 {0.69} (7.14)	0.02 {11.39} (5.08)	0.31 {25.69} (98.00)	0.33 {22.92} (8.66)	1.44
1981-82	0.49 {32.45} (10.04)	0.02 {1.32} (8.58)	0.18 {11.92} (11.32)	0.03 {1.99} (9.34)	0.03 {1.99} (8.45)	0.01 {0.66} (7.14)	0.02 {1.32} (10.15)	0.39 {25.83} (9.47)	0.34 {22.52} (9.06)	1.51

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YEAR	CARPET	NAMDHA	CREWEL	WOOD CARVING	PAPER MACHIJE	CHAIN STITCH	FUR AND LEATHER	WOOLLEN SHAWLS	OTHERS	TOTAL
1982-83	0.56 {33.94} (11.47)	0.02 {1.21} (8.58)	0.20 {12.12} (12.58)	0.03 {1.82} (9.34)	0.03 {1.82} (8.45)	0.01 {0.61} (7.14)	0.02 {1.21} (10.15)	0.41 {24.85} (9.75)	0.32 {19.39} (8.53)	1.65
1983-84	0.60 {34.48} (12.29)	0.02 {1.15} (8.58)	0.22 {12.64} (13.84)	0.03 {1.72} (11.21)	0.04 {2.30} (11.27)	0.01 {0.57} (7.14)	0.02 {1.15} (10.15)	0.42 {24.14} (10.19)	0.38 {19.42} (10.13)	1.74
1984-85	0.607 {33.72} (12.44)	0.83 {1.55} (11.59)	0.027 {1.55} (1.69)	0.04 {2.00} (11.20)	0.06 {3.33} (16.90)	0.02 {1.55} (19.26)	0.02 {1.44} (13.99)	0.42 {23.72} (10.13)	0.38 {21.11} (10.13)	1.80
1985-86	0.62 {33.51} (12.70)	0.03 {1.62} (12.87)	0.23 {12.43} (14.46)	0.04 {2.16} (12.96)	0.05 {2.70} (14.08)	0.03 {1.62} (21.43)	0.03 {21.62} (15.23)	0.43 {21.62} (10.66)	0.40 {21.62} (10.66)	1.85
1986-87	0.62 {33.00} (12.85)	0.03 {1.89} (15.45)	0.23 {12.42} (14.84)	0.04 {2.37} (14.01)	0.05 {2.89} (15.49)	0.02 {1.37} (18.57)	0.03 {1.68} (16.24)	0.43 {21.42} (10.82)	0.40 {21.42} (910.85)	1.90
Total	4.88 {30.00}	0.233 {1.43}	1.59 {9.80}	0.32 {1.97}	0.35 {2.18}	0.14 {0.86}	0.197 {1.21}	4.10 {25.40}	3.75 {23.12}	16.22

Note: (i) Figures in the curved parenthesis represent percentage in terms of horizontal totals

(ii) Figures in the rounds parenthesis represent %age of the vertical totals.

Source: "Role of Handicrafts Sector in Economic Development of Jammu and Kashmir", Unpublished M.Phil. dissertation of Omera Jan, Post-graduate Department of Economics, University of Kashmir, Srinagar, 1989.

**Share of Registered and Un-registered sector in the net domestic product of the state at current prices
(Rs. in crores)**

Year		Regd. Sector		Un-registered Sector	
	1970-71		2.09 (0.83)		11.26 (4.51)
	1980-81		16.62 (1.93)		53.07 (6.10)
	1981-82		26.06 (2.74)		63.24 (6.67)
	1982-83		34.47 (3.23)		79.04 (7.41)
	1983-84		42.88 (3.40)		101.19 (8.03)
	1984-85		59.54 (4.31)		113.23 (8.21)
	1985-86		42.85 (2.81)		101.02 (6.63)
	1986-87		45.79 (2.83)		106.06 (6.57)

YEAR	CARPET	NAMDIA	CREWEL	WOOD CARVING	PAPER-MACHINE	CHAIN STITCH	FUR AND LEATHER	WOOLLEN SHAWLS	OTHERS	TOTAL
1986-87	36.65 [33.32]	1.53 (1.39)	8.40 (7.64)	3.15 (2.86)	2.10 (1.91)	0.63 (0.57)	1.57 (1.43)	75.65 (14.23)	40.32 [36.65]	110.00
	(15.46)	(14.37)	(14.89)	(10.89)	(14.34)	(18.10)	(14.85)	(12.69)	(14.87)	
Total	236.99 [3.74]	10.65 (1.42)	56.4 (7.56)	78.64 (2.49)	14.64 (1.96)	10.57 (1.41)	3.48 (0.46)	123.23 (16.52)	271.19 [36.36]	745.73

Note: a) Figures in rut brackets {} represent percentage in terms of Horizontal total;
b) Figures in round () bracket represent percentage in terms of Vertical totals.

Source : "Role of Handicrafts in Economic Development of Jammu and Kashmir" Unpublished M.Phil. dissertation of Omera Jan.Post-graduate Department of Economic, University of Kashmir, Srinagar, 1989.

Estimated Export Figures of Handicrafts

(Rs. in Crores)

YEAR	CARPET	NAMDIA	CREWEL	WOOD CARVING	PAPER MACHIE	CHAIN STITCH	WOOLLEN SHAWLS	OTHERS	TOTAL
1976-77	5.50 {37.01} (2.49)	1.90 {12.79} (13.86)	2.15 {14.47} (7.06)	1.70 {11.44} (10.97)	2.10 {14.13} (9.80)	NA NA NA	NA NA NA	1.51 {10.16} (4.96)	14.86
1977-78	8.49 {46.52} (3.84)	0.95 {5.20} (6.93)	1.44 {7.89} (4.73)	1.00 {5.47} (6.45)	1.96 {10.74} (9.15)	NA NA NA	NA NA NA	1.86 {24.16} (14.48)	18.25
1978-79	12.10 {60.56} (5.48)	0.80 {4.00} (5.83)	1.56 {7.81} (5.12)	0.62 {3.10} (4.00)	1.61 {8.06} (7.52)	0.22 {1.10} (4.83)	1.21 {6.05} (7.23)	1.86 {9.31} (6.11)	9.98
1979-80	26.96 {71.19} (12.21)	1.11 {2.93} (8.10)	2.80 {7.39} (9.19)	1.30 {3.43} (8.38)	1.90 {5.02} (8.87)	0.29 {0.76} (6.37)	1.30 {3.43} (7.79)	2.21 {5.83} (7.26)	37.87
1980-81	25.80 {65.13} (12.14)	1.23 {3.08} (8.97)	2.75 {6.89} (9.03)	1.32 {3.31} (8.52)	1.85 {4.63} (8.64)	0.24 {0.60} (5.27)	1.32 {3.30} (7.89)	4.41 {11.05} (24.16)	39.92
1981-82	24.25 {66.99} (10.98)	1.09 {3.01} (7.95)	2.53 {6.99} (8.31)	1.10 {3.04} (7.10)	1.50 {4.42} (7.47)	0.30 {0.83} (6.59)	1.75 {4.83} (10.46)	3.68 {10.16} (12.08)	36.20

KASHMIR : THE TROUBLED FRONTIERS

YEAR	CARPET	NAMDIHA	CREWEL	WOOD CARVING	PAPER MACHIE	CHAIN STITCH	WOOLLEN SHAWLS	OTIERS	TOTAL
1982-83	23.10 {70.00} (10.46)	0.99 {3.00} (7.22)	2.97 {6.88} (7.45)	1.32 {4.00} (8.52)	1.65 {5.00} (7.70)	0.26 {0.79} (5.71)	1.39 {4.21} (8.31)	1.32 {4.00} (4.33)	33.00
1983-84	22.20 {60.00} (10.05)	1.48 {4.00} (10.79)	3.70 {10.00} (12.15)	1.85 {5.00} (11.93)	2.22 {6.00} (10.36)	0.74 {2.00} (16.26)	2.22 {6.00} (13.27)	2.59 {7.00} (8.50)	37.00
1984-85	20.35 {60.00} (9.22)	1.36 {4.01} (9.92)	3.39 {9.98} (11.13)	1.69 {4.92} (10.90)	2.03 {5.99} (9.48)	0.67 {1.97} (14.72)	2.03 {5.98} (12.14)	2.39 {9.98} (7.85)	33.91
1985-86	24.00 {60.00} (10.87)	1.60 {4.00} (11.67)	4.00 {10.00} (13.13)	2.00 {5.00} (12.90)	2.40 {6.00} (11.20)	0.80 {2.00} (17.58)	2.40 {6.00} (14.35)	2.80 {7.00} (9.19)	40.00
1986-87	27.00 {62.55} (12.23)	1.20 {2.78} (8.75)	3.86 {8.94} (12.68)	1.60 {3.71} (10.32)	2.10 {4.86} (9.80)	1.03 {2.38} (22.63)	3.10 {7.18} (18.54)	3.27 {7.58} (10.74)	43.16
Total	220.75	13.70	30.45	15.50	21.42	4.55	16.72	30.45	354.15

Estimated Craft-wise production

(Rs. In Crores)

YEAR	CARPET	NAMDHA	CREWEL	WOOD CARVING	PAPER MACHINE	CHAIN STITCH	FUR AND LEATHER	WOOLLEN SHAWLS	OTHERS	TOTAL
1976-77	2.77 {11.79} (1.17)	1.04 {4.42} (9.76)	1.72 {7.32} (3.05)	0.85 {3.65} (4.56)	0.47 {2.00} (3.21)	0.07 {0.29} 2.01	0.26 {1.11} (2.46)	7.20 {30.63} (5.84)	9.12 {39.22} (3.36)	23.50
1977-78	5.47 {21.05} (2.31)	1.07 {3.93} (10.05)	1.74 {6.38} (3.08)	0.93 {3.41} (4.99)	0.55 {2.02} (3.76)	0.08 {0.08} (2.29)	0.34 {0.25} (3.22)	7.65 {28.07} (6.21)	9.42 {34.57} (3.47)	27.50
1978-79	12.28 {34.62} (5.18)	0.41 {1.32} (4.41)	3.38 {9.53} (5.99)	0.85 {2.39} (4.56)	0.83 {2.34} (5.67)	0.17 {0.48} (4.88)	0.67 {1.89} (6.34)	8.42 {23.74} (6.83)	8.40 {23.68} (3.09)	35.47
1979-80	17.67 {36.16} (7.46)	0.47 {0.96} (4.41)	3.89 {7.96} (6.89)	0.91 {1.86} (4.88)	0.97 {1.98} (6.62)	0.20 {0.45} (5.75)	0.80 {1.64} (7.57)	8.90 {18.21} (7.22)	15.05 {30.80} (5.55)	48.86
1980-81	19.04 {32.92} (8.03)	0.48 {0.48} (4.51)	4.40 {7.61} (7.80)	0.96 {1.66} (5.15)	1.11 {1.92} (7.58)	0.23 {0.39} (8.61)	0.91 {1.57} (8.67)	10.02 {17.33} (8.13)	20.67 {35.75} (7.62)	57.82

KASHMIR : THE TROUBLED FRONTIERS

YEAR	CARPET	NAMDHA	CREWEL	WOOD CARVING	PAPER MACHINE	CHAIN STITCH	FUR AND LEATHER	WOOLLEN SHAWLS	OTHERS	TOTAL
1981-82	19.60 {28.50} (8.27)	0.48 {0.96} (4.41)	4.92 {7.18} (8.72)	1.01 {1.47} (5.42)	1.25 {1.82} (8.54)	0.25 {0.36} (7.18)	1.03 {1.50} (8.74)	10.07 {14.69} (8.17)	29.93 {42.92} (11.04)	68.54
1982-83	26.50 {32.58} (11.18)	0.94 {11.56} (8.83)	5.80 {7.13} (10.28)	2.15 {2.64} (11.53)	1.60 {1.97} (10.93)	0.30 {0.37} (8.62)	1.05 {1.29} (9.93)	12.76 {15.61} (10.31)	30.33 {37.29} (11.18)	81.34
1983-84	29.53 {32.99} (12.46)	1.27 {1.27} (11.92)	6.74 {7.53} (11.95)	2.30 {2.57} (12.34)	1.79 {2.00} (12.25)	0.45 {0.50} (12.93)	1.16 {1.29} (10.97)	13.15 {14.67} (10.67)	33.11 {36.99} (12.21)	89.50
1984-85	32.48 {32.99} (13.70)	1.40 {1.42} (13.14)	7.41 {7.53} (13.14)	2.53 {2.57} (13.57)	1.97 {2.00} (13.46)	0.50 {0.51} (14.37)	1.28 {1.30} (12.11)	14.47 {14.69} (11.74)	36.44 {37.44} (13.44)	98.45
1985-86	35.00 {33.33} (14.77)	1.50 {1.43} (14.08)	8.00 {7.62} (14.18)	3.00 {2.86} (16.09)	2.00 {1.90} (13.66)	0.60 {0.63} (17.24)	1.50 {1.43} (14.19)	15.00 {14.28} (12.17)	38.40 {36.57} (14.16)	105.00

DATA ON TOURIST INDUSTRY J & K

TOURIST SPOT	FOREIGN (%) Age Group					DOMESTIC(%) Age Group				
	<20	20-25	25-45	45 & above	Total	<20	20-25	25-45	45 & above	Total
Wangath	-	-	4	-	3	-	1	1	-	0.54
Narang	-	-	4	-	3	-	1	1	-	0.54
High Altitude Lake	-	-	3	-	2	-	-	0.3	-	0.05
Manasbal	60	14	9	-	1	41	7	8	6	8
Bandipur	20	7	5	25	7	5	10	24	5	19

Productivity of the Major Crops/Crop Groups in Jammu and Kashmir (Tonnes per hectare)

Crops/Crop Group	Year			
	1951-52	1965-66	1966-67	1986-87
Paddy	1.50	1.20	1.72	3.32
Wheat	0.61	0.79	0.69	0.90
Maize	0.82	0.62	0.92	1.80
Other Cereals	0.60	0.43	0.54	0.53
Total Cereals	1.01	0.82	1.11	1.97
Pulses	0.38	0.50	0.72	0.66
Total Food	0.94	0.80	1.08	1.90
Oil Seeds	0.72	0.69	0.76	1.07

Percent Change in the productivity of Major Crops/Crop Groups in Jammu and Kashmir

Item/Crop	Between 1951-52 and 1965-66			Between 1951-52 and 1986-87	
	Between 1951-52 and 1965-66	Between 1966-67 and 1986-87	Between 1966-67 and 1986-87	Between 1951-52 and 1986-87	Between 1951-52 and 1986-87
Paddy	-20.00	93.02	93.02	121.33	121.33
Wheat	29.51	30.43	30.43	47.54	47.54
Maize	-24.40	97.82	97.82	119.51	119.51
Other Cereals	-28.33	-1.85	-1.85	-11.66	-11.66
Total Cereals	-18.01	77.47	77.47	95.04	95.04
Pulses	31.57	-8.33	-8.33	73.68	73.68
Total Food Grains	-14.90	75.92	75.92	102.13	102.13
Oilseeds	-4.17	40.80	40.80	48.61	48.61

Land distribution in the Kashmir valley and the State (as whole) across the agricultural census years.

Size Class of (in hectares) operational holding	Number (figures in percentages of the total)				
	1970-71		1980-81		Per cent point change in 1980-81 over 1970-71
	Valley	J & K	Valley	J & K	
Below 0.5	55.32	49.39	55.47	49.96	0.58
Marginal Holdings	78.49	73.83	81.27	71.29	-2.54
Marginal Plus Small Holdings	89.97	89.62	93.79	88.23	-1.39
Large Holdings	0.04	0.12	0.06	0.08	-0.04

Source : Agricultural Census 1970-71 and 1980-81, J & K Govt.

Land distribution in the Kashmir valley and the State as a whole across the agricultural census years

Size Class of (Area in hectares) operational holding	Area (figures in percentages of the total)				
	1970-71		1980-81		Per cent point change J & K
	Valley	J & K	Valley	J & K	
Below 0.5	22.12	13.25	20.83	12.93	-0.32
Marginal Holdings	47.64	32.12	47.12	32.67	0.55
Marginal Plus Small Holdings	71.48	56.73	71.75	58.58	1.85
Large Holdings	1.27	2.45	2.30	1.97	-0.48

Out turn of forest product

Year	Major products				Value of minor products (Rs. in lakhs)	Total quantity of major products (000m ³)	Value of all products (Rs. in lakhs)
	Quantity of timber (000m ³)	Value of timber (Rs. in lakhs)	Firewood quantity (000m ³)	Value of firewood (Rs. in lakhs)			
1	2	3	4	5	6	7	8
1960-61	451.43	N.A.	162.48	N.A.	19.37	613.91	N.A.
1965-66	306.08	634.41	88.91	36.89	28.36	394.99	699.66
1968-69	309.49	842.96	78.04	32.30	22.93	387.53	898.19
1973-74	340.71	1812.28	70.75	42.60	318.48	411.46	2173.36
1977-78	455.66	2841.83	101.81	62.58	1435.20	557.47	4339.61
1980-81	609.21	7761.88	237.97	132.26	1524.32	847.18	9418.46
1981-82	597.98	8574.75	219.78	191.54	1639.51	817.76	10405.80
1982-83	589.38	9394.96	147.23	107.19	1267.45	736.61	10769.60
1983-84	617.31	11454.22	120.30	86.16	1071.24	737.61	12611.62
1984-85	709.04	13278.04	111.05	167.22	1408.81	820.09	14854.07
1985-86	370.50	10366.67	113.35	105.86	1174.01	483.85	11646.54
1986-87 (P)	358.00	15602.00	105.00	NA	1085.45	463.00	NA
1987-88 (P)	225.00	10314.00	96.35	-do-	900.00	321.35	-do-

Export of Timber

Year	Quantity exported (000m ³)				Total
	Deodar	Kail	Chir	Fir	
1	2	3	4	5	6
1968-69	46.61	27.38	9.20	57.76	140.95
1973-74	45.82	14.11	4.32	30.33	94.58
1977-78	89.78	52.05	24.63	78.06	244.52
1980-81	91.42	55.68	18.91	96.40	257.47
1981-82	116.81	85.32	9.47	103.74	315.34
1982-83	127.53	97.48	8.03	113.28	346.32
1983-84	111.94	96.40	9.76	133.93	352.03
1984-85	105.92	87.84	4.00	141.43	339.19
1985-86	99.48	73.83	4.08	141.65	319.04
1986-87 (P)	60.69	33.24	4.52	92.62	191.07
1987-88 (P)	40.11	28.98	2.39	66.09	137.57

(P) Provisional

Industrial development in the State

Year	Industrial development in the State									
	SSI Units		Khadi and Village Industries			Sericulture		Handicrafts		
	No. of units	Employment in units	Registered units	Individuals	Employment	No of rearing families (000)	Production of raw silk (000kgs)	Production (Rs. in crores)	Employment (lakhs)	
1	2	3	4	5	6	7	8	9	10	
1973-74	2203	N.A	489	N.A.	11218	@71.7	@70.5	@20.00	0.80@	
1977-78	3498	17252	768	1403	14828	38.5	63.40	27.25	0.97	
1980-81	8428	42992	859	4473	20138	38.5	75.85	57.82	1.44	
1981-82	10792	54042	882	6539	16435	38.5	70.71	68.54	1.51	
1982-83	12902	61900	874	5078	18737	33.3	48.78	81.37	1.65	
1983-84	14920	68912	850	7157	25543	33.0	43.37	89.50	1.74	
1984-85	16654	76804	968	11553	28110	33.0	52.91	98.45	1.80	
1985-86	18520	84821	1005	13572	32402	33.0	33.70	105.00	1.85	
1986-87	21238	93681	1033	15580	34868	33.0	46.34	110.00	1.90	
1987-88	23930	105142	1066	17446	37033	33.0	32.98	129.00	1.95	

@Pertains to 1974-75

BANKING
Scheduled Commercial Banks

Year	Number of bank offices	Deposits (Rs. in lakhs)	Advances (Rs. in lakhs)	Per capita deposits (Rs.)	Per capita advances (Rs)	Average population per bank office
1	2	3	4	5	6	7
1966	N.A	1612	125	39.76	3.08	N.A
1968	N.A	2523	165	57.56	3.76	N.A
1973	139	7224	1804	148.61	37.11	34968
1978	274	27857	8496	503.83	153.66	19666
1980	387	37589	11554	645.64	198.45	15044
1983 (March)	601	45723	22340	726.78	355.10	10468
1984 (March)	658	52816	24554	818.10	380.33	9811
1985 (March)	699	64306	33282	970.66	502.37	9478
1986 (March)	727	81488	34124	1198.60	501.92	9352
1987 (March)	728	97165	41417	1392.70	593.64	9583
1988 (March)	730	116330	52536	1624.92	733.77	9808

Jammu and Kashmir State and Per Capita Income at Current and Constant Prices

Year	(Rs. in Crores)		(In Rupees)	
	State Income		Per-capita Income	
	Current Prices	Constant Prices 70-71	Current Prices	Constant Prices 1970-71
1970-71	249.59	249.59	548	548
1971-72	274.89	255.96	588	547
1972-73	292.49	257.81	610	538
1973-74	352.02	274.74	716	559
1974-75	418.51	285.35	830	566
1975-76	479.95	296.38	928	573
1976-77	482.11	293.49	909	553
1977-78	605.56	332.12	1113	611
1978-79(P)	681.42	361.20	1222	648
1979-80(P)	744.19	362.10	1301	633
1980-81 (P)	877.35	394.57	1496	673
1981-82 (Q)	979.98	409.39	1630	681

P : Provisional

Q : Quick Estimates

Installed Generating Capacity in Jammu and Kashmir As on 31.3.1989

Name of the Station		No. X Size in W	Total Capacity (MW)
Hydro			
1.	Lower Jhelum Hydel Project	3 x 35	105.00
2.	Upper Sindh Hydel Project (State -I)	2 x 11	22.00
3.	Chenani Power House	5 x 4.6	23.00
4.	Mohora Power House		09.00
5.	Ganderbal Power House		15.00
6.	Stakna Power Project		04.00
7.	Other Small Hydro		02.76
	Total Hydro		180.76
Thermal			
1.	Kalakote	3 x 7.5	22.50
2.	Diescl Sets		6.76
	Total Thermal		29.76
Gas			
1.	Gas Turbine Power Project		25.00
	Total Gas		25.00
	Total (Hydro + Thermal + Gas)		235.00 (Approx.)

Growth of Foreign and Domestic Tourist inflow to the valley

S.No.	Year	Home Tourists	%Change	Foreign Tourists	%Change	Total Tourists	%Change
1.	1981	598555		43745		642300	-
2.	1982	560987	-6.28	42851	2.04	603833	-5.99
3.	1983	398428	-28.98	41101	-4.08	439529	-27.21
4.	1984	192684	-51.64	36458	-11.30	229142	-47.87
5.	1985	465599	141.64	38015	4.27	503614	119.78
6.	1986	536598	15.25	53118	39.73	589716	17.10
7.	1987	664081	23.76	57573	8.39	721654	22.37

Source : "Tourism In Kashmir valley : A Spatial Model" Unpublished doctoral thesis of Mondira Dutta, Department of Geography and Regional Development, University of Kashmir, 1989.

Percentage share of Kashmir valley in Total Foreign Tourist inflow

Year	Total foreign tourists to		% share of Kashmir valley
	India	Kashmir valley	
1983	884731	41101	4.64
1984	852503	36458	4.27
1985	836908	38015	4.54
1986	1080050	53118	4.91
1987	1163774	57573	4.94

Average Expenditure per sample tourist per day in % (1987-88)

S.No.	Items	Income Groups in US \$ for foreign tourists					Income Groups in Rs/ for domestic tourists					Total
		<1000	1000-2000	2000-3000	3000-5000	>5000	<1000	1000-2000	2000-3000	3000-5000	>5000	Total
	valley	168	179	209	225	365	27	54	89	162	232	1249
	Total	(100%)	(100%)	(100%)	(100%)	(100%)	(100%)	(100%)	(100%)	(100%)	(100%)	(100%)
	Avg Expenditure/head/day in Rs.)											
1.	Srinagar (%)	76	73	76.7	68.7	69.3	83	78	69	62	64	65.2
2.	Pahalgam (%)	4	8	6.7	7.3	6.5	9	12	14	15	13	14.1
3.	Gulmarg (%)	14	13	9.6	14.2	14.2	6	6	12	16	14	13.9
4.	Sonamarg (%)	-	2.1	3.0	3.0	2.1	2	3	3	5	6	4.5
5.	Others (%)	6	4	4	7	8	-	1	2	2	3	2

KASHMIR : THE TROUBLED FRONTIERS

Tourism

Year	Number (In lakhs)		
	Visitors to Kashmir valley	Yatrics to Vaishnu Deviji	Yatrics to Amarnath Ji Cave
1	2	3	4
1951	0.106	0.030 (1950-51)	N.A
1955	0.510	0.064 (1955-56)	N.A
1960	0.746	1.603 (1960-61)	N.A
1965	0.431	2.305 (1966)	0.070
1969	1.407	2.518	0.083
1973	1.958	4.536	0.040
1977	4.420	8.160	0.123
1980	5.945	12.130	0.200
1981	6.42	12.13	0.200
1982	6.038	11.890	0.250
1983	4.395	12.833	0.210
1984	2.291	10.084	0.100
1985	5.036	14.850	0.42
1986	5.897	13.970	0.51
1987	7.216	18.580	0.52

Health Cover

Year	•Number of medical institutions	Number of hospital beds	Number of doctors, hakims & v aids	Average population dependent on one		
				Medical institution	Hospital bed	Doctor, vaid/hakim
1	2	3	4	5	6	7
1950-51	124	N.A	184	26242	N.A	17684
1955-56	230	1212	343	15473	2809	9924
1960-61	401	2829	557	8880	1259	6393
1968-69	915	4006	1263	4790	1094	4370
1973-74	1262	4939	1662	3952	1010	3001
1977-78	1429	5063	1859	3869 .	1092	2974
1980-81	1816	5422	2192	3290	1102	2726
1985-86	2314	6930	2826	2938	981	2406
1986-87	2506	7036	2780	2784	992	2510
1987-88	2799	7804	2865	2558	980	2499

•Includes District/Sub-District Hospitals, Primary Health Centres, Primary Units, Sub-Units, Allopathic/Unani/Ayurvedic dispensaries, Mobile Medical Units, Medical aid centres, STD/VD Clinics, T.B. Centres, FP Centres/Sub-centres, Leprosy sub-centres/Control Units and Trichoma/amchi centres/Units

KASHMIR : THE TROUBLED FRONTIERS

Villages supplied with protected drinking water

Year	Number of inhabited villages	Rural population 1971 (lakhs)	Coverage of		Coverage percentage	
			Villages (Nos)	Rural population (lakhs)	Villages	Rural population 1971
1	2	3	4	5	6	7
1973-74	6503	37.58	725	7.74	11.15	20.60
1977-78	6503	37.58	1147	9.22	17.64	24.53
1980-81	6503	37.58	1934	14.15	29.74	37.65
1981-82	6503	37.58	2269	15.83	34.89	42.12
1982-83	6503	37.58	2692	17.96	41.40	47.79
1983-84	6503	37.58	3151	20.59	48.46	54.79
1984-85	6503	37.58	3760	23.70	57.82	63.06
1985-86	6503	37.58	4200	25.86	64.59	68.81
1986-87	6503	37.58	4645	27.97	71.43	74.42
1987-88	6503	37.58	5100	30.10	78.43	80.09

Medical Institution In J & K as on 1984-85

Sr. No.	Type of Institutions	No. (1985-86)
1.	Districts & Sub-districts Hospitals	52
2.	Allopathic & Primary Units	490
3.	Unani	191
4.	Ayurvedic	226
5.	Primary Health Centre & sub-centres	396
6.	Medical Aid Centres & Mobile Units	465
7.	ST. D/V.D. Clinics	10
8.	T.B. Clinics	12
9.	Family Planning Centres & Sub-centres	371
10.	Leprosy Sub-centres	101
11.	Trachoma Units/amchi Centres	99

Intake and out-turn in professional educational institutions

Year	Medical College (MBBS)		Engineering College		Agriculture College		Engg. diploma holders		Engineering draftsmen	
	Intake	Outturn	Intake	Outturn	Intake	Outturn	Intake*	Outturn	Intake	Outturn
1	2	3	4	5	6	7	8	9	10	11
1965-66	100	80	N.A	98	26	17	240	183	80	4
1968-69	114	185	94	238	23	35	39	191	19	37
1973-74	267	112	163	162	78	14	220	23	117	8
1977-78	137	237	235	120	75	10	195	131	70	65
1980-81	208	187	326	163	315	74	334	227	124	116
1981-82	175	170	337	176	144	61	N.A	297	N.A	51
1982-83	193	119	380	243	391	83	482	157	225	132
1983-84	157	137	377	259	380	159	N.A	213	100	49
1984-85	146	135	350	284	214	6	260@	320	90@	376
1985-86	146	155	314	634	208	136	260@	784	90@	139
1986-87	178	161	282	306	72	6	60@	520	90@	146
1987-88	285	184	309	326	79	62	350@	32	90@	5

*Total enrolment @Admission capacity

SECTION TWO

STATISTICS : FIVE YEAR PLANS
(1st Plan to 7th Plan)

J & K

Plan-wise Expenditure

Plan	Expenditure	
	Expenditure (Rs. in lakhs)	Expenditure per-capita (Rs)
1	2	3
1st Plan	1151.71	34
2nd Plan	2594.75	74
3rd Plan	6185.09	161
Inter Plan	5950.11	139
4th Plan	16284.80	344
5th Plan	27854.71	517
1978-79	10164.95	179
1979-80	11972.71	206
6th Plan	91814.83	1458
7th Plan	140000.00	1954
1985-86	27442.22	404
1986-87 (anticipated)	33766.11	484
1987-88 (anticipated)	40518.00	566

KASHMIR : THE TROUBLED FRONTIERS

**Growth of States's Total Revenue
(State's own Resources + Transfers from Centre)**

Year (1)	State's own Resources (Tax+Non-tax) (2)	Transfers from the Centre (Tax + Non-tax) (3)	Total Revenue of the state (In Lakhs) (2+3) (4)
1950-51	96.28%	3.71%	412.20
1960-61	70.80%	29.20%	1572.41
1970-71	43.71%	56.29%	6604.83
1980-81	31.57%	68.43%	36966.16
1987-88	27.95%	72.04%	79026.17

SECTION TWO

ALL INDIA COMPARATIVE DATA

GENERAL DATA ON ECONOMIC DEVELOPMENT

Percentage of Population below Poverty Line 1977-78
TABLE NO. 2

S.No.	State	Rural	Urban	Total
1.	Andhra Pradesh	43.89	35.68	42.18
2.	Assam	52.65	37.37	51.10
3.	Bihar	58.91	46.07	57.49
4.	Gujarat	43.20	29.02	39.04
5.	Haryana	23.25	31.74	24.84
6.	Himachal Pradesh	28.12	16.56	27.23
7.	Jammu and Kashmir	32.75	39.33	34.06
8.	Karnataka	49.88	43.97	48.34
9.	Kerala	46.00	51.44	46.95
10	Madhya Pradesh	59.82	48.09	57.73
11.	Maharashtra	55.85	31.62	47.71
12.	Manipur	30.54	25.48	29.71

KASHMIR : THE TROUBLED FRONTIERS

S.No.	State	Rural	Urban	Total
13.	Meghalaya	53.87	18.16	48.03
14.	Nagaland	-	4.11	4.11
15.	Orissa	68.97	42.19	66.40
16.	Punjab	11.87	24.66	15.13
17.	Rajasthan	33.75	33.80	33.76
18.	Tamil Nadu	55.68	44.79	52.12
19.	Tripura	64.28	26.34	59.73
20.	Utter Pradesh	50.23	49.24	50.09
21.	West Bengal	58.94	34.71	52.54
22.	Union territories	34.32	17.96	21.69
	All India	50.82	38.19	48.13

Estimated Population Below Poverty Line During 1981

(Lack Nos.)

District	Rural	Urban	Total
Anantnag	1.92	0.28	2.20
Pulwama	1.20	0.14	1.34
Srinagar	0.45	2.24	2.69
Badgam	1.03	0.20	1.23
Baramulla	1.90	0.35	2.25
Kupwara	1.05	0.04	1.09
Leh	0.20	0.03	0.23
Kargil	0.21	0.01	0.22
Jammu	2.17	1.10	3.27
Udhampur	1.34	0.17	1.51
Doda	1.31	0.10	1.41
Kathua	1.07	0.17	1.24
Rajauri	0.94	0.06	1.00
Poonch	0.69	0.06	0.75
Total States	15.48	4.95	20.43

KASHMIR : THE TROUBLED FRONTIERS

S.No.	State	1977-78				As in 1976		As on 31-3-1974	
		Industrial consumption of Electricity per-Capita KWH	Rank	Enrolment of Children of the age-group 6-11 Pry. Classes %age to total	Rank	Hospital beds per lakh of population (Numbers)	Rank	Doctor-Population ratio	Rank
1.	Andhra Pradesh	44	13	78.4	13	68	12	1 : 3286	8
2.	Assam	27	17	65.0	20	39	17	1 : 3180	6
3.	Bihar	56	11	68.0	19	40	16	1 : 4994	12
4.	Gujarat	137	2	91.3	9	71	11	1 : 3219	7
5.	Haryana	82	8	76.3	15	72	10	1 : 14576	17
6.	Himachal Pradesh	34	16	110.5	3	144	3	1 : 10931	16
7.	Jammu and Kashmir	41	14	68.2	18	97	7	1 : 4046	10
8.	Karnataka	100	4	78.3	14	95	8	1 : 3045	5
9.	Kerala	73	9	103.8	7	225	1	1 : 3622	9
10.	Madhya Pradesh	68	10	74.9	16	39	17	1 : 6802	15
11.	Maharashtra	147	1	105.1	6	126	4	1 : 2064	4
12.	Manipur	1	20	149.1	1	-	-	-	-
13.	Meghalaya	14	18	71.2	17	-	-	-	-
14.	Nagaland	-	-	108.8	4	206	2	-	-
15.	Orissa	83	7	81.5	12	48	15	1 : 4343	11

1	2	3	4	5	6	7	8	9	10
16.	Punjab	119	3	106.6	5	84	9	1 : 975	1
17.	Rajasthan	50	12	63.4	21	66	13	1 : 5907	13
18.	Tamil Nadu	89	5	122.5	2	103	6	1 : 1995	3
19.	Tripura	3	19	82.0	11	-	-	-	-
20.	Utter Pradesh	39	15	101.6	8	49	14	1 : 6026	14
21.	West Bengal	84	6	89.3	10	104	5	1 : 1718	2
	All India	-	-	88.9	-	81	-	-	-

TABLE No.

S.No.	State	1977-78		1978-79		1978-79 As on 31-3-1979		
		Average No. of Factory workers per '000' of Population	Rank	Per capita power consumption in KWH	Rank	%age of vills electrified to total No. of villages	Rank	Road length per 100 sq. Km. of area
1.	Andhra Pradesh	11	6	93	11	57	7	38.2
2.	Assam	7	8	37	16	14	15	726
3.	Bihar	5	10	87	13	28	13	46.0
4.	Gujarat	19	2	231	2	52	8	33.8
5.	Harayana	11	6	211	4	100	1	67.1
6.	Himachal Pradesh	5	10	51	15	49	9	42.8
7.	Jammu and Kashmir	4	11	77	14	77	4	6.0
8.	Karnataka	10	7	149	6	59	6	55.4
9.	Kerala	11	6	97	9	98	3	232.4
10.	Madhya Pradesh	6	9	96	10	27	14	22.3
11.	Maharashtra	20	1	230	3	65	5	53.3
12.	Orissa	5	10	115	8	33	11	74.2
13.	Punjab.	13	5	303	1	100	1	90.6
14.	Rajasthan	5	10	93	11	37	10	17.6
15.	Tamil Nadu	15	4	184	5	99	2	1129.7
16.	Utter Pradesh	6	9	88	12	32	12	63.9
17.	West Bengal	17	3	118	7	32	12	158.0
	All India	10	-	131	-	40	-	48.8

Statement Showing Ranking of States According to Various Indicators of Development

State	Population growth 1971-81	Rank	Population 81 per sq. km	Rank	Sex ratio 1981	Rank	Literacy rate 1981	Rank	Literacy Growth	Rank	Urban Population %age to total	Rank
Andhra Pradesh	24.75	18	194	11	975	5	29.94	16	21.86	15	23.25	8
Assam	36.09	3	254	8	900	16	N.A.	-	N.A.	-	-	-
Bihar	23.90	15	402	3	947	10	26.01	19	30.44	7	12.46	18
Gujarat	27.21	10	173	13	942	11	43.75	4	22.24	14	13.08	3
Haryana	28.04	9	291	7	877	20	35.84	12	33.28	5	21.96	9
Himachal Pradesh	22.46	19	76	17	988	2	41.94	7	31.23	6	7.72	21
Jammu and Kashmir	29.69	8	59	19	892	17	26.67	20	43.52	3	21.05	10
Karnataka	26.43	11	193	12	963	7	38.41	11	21.86	15	28.91	4
Kerala	19.00	21	654	1	1034	1	69.17	1	14.48	19	18.78	13
Madhya Pradesh	25.15	13	118	15	941	12	27.82	17	25.65	12	20.31	12
Maharashtra	24.36	14	204	9	939	13	47.37	2	20.90	17	35.03	1
Manipur	33.65	4	64	18	972	6	41.99	5	27.59	9	26.44	7
Meghalaya	31.25	7	59	20	956	8	33.22	15	12.65	20	18.03	14
Nagaland	49.73	2	47	21	867	21	41.99	5	53.25	2	15.54	17
Orissa	19.72	20	169	14	982	3	34.12	13	30.33	8	11.82	19
Punjab	23.01	16	331	6	886	18	40.74	10	21.00	16	27.72	5
Rajasthan	32.36	6	100	16	921	14	24.05	21	26.11	11	20.93	11
Sikkim	50.44	1	44	22	836	22	33.83	14	90.70	1	16.23	16
Tamil Nadu	17.23	22	371	5	978	4	45.78	3	16.02	18	32.98	2
Tripura	32.37	5	196	10	948	9	41.58	8	34.22	4	10.98	20
Uttar Pradesh	25.49	12	377	4	886	18	27.38	18	26.18	10	18.01	15
West Bengal	22.96	17	614	2	911	15	40.88	9	23.13	13	26.49	6
All India	24.75	-	221	-	935	-	36.17	-	-	-	23.73	-

State	73-74 Area under foodgrains		Production of foodgrains		Yield rate in Qtl. Per Hectare of Principal crops (1980-81)					
	As %age of total cropped area	Rank	'000' tonnes	Rank	Rice	Rank	Maize	Rank	Wheat	Rank
Andhra Pradesh	71.1	14	10019.2	5	19.78	5	18.49	2	5.74	15
Assam	72.7	13	2105.7	14	0.09	17	5.93	16	11.58	9
Bihar	89.1	3	10361.6	4	9.97	13	11.64	8	15.67	7
Gujarat	48.1	19	4475.1	13	11.66	10	13.10	7	19.79	3
Haryana	77.0	11	6297.0	10	26.02	2	11.22	9	24.39	2
Himachal Pradesh	88.5	4	889.7	17	8.86	14	14.90	6	8.58	13
Jammu and Kashmir	87.4	5	1307.00	16	20.65	3	17.93	3	10.32	10
Karnataka	45.4	20	6349.6	9	20.37	4	26.34	1	5.91	14
Kerala	30.8	21	1310.2	15	16.46	7	-	-	-	-
Madhya Pradesh	81.5	9	12209.0	2	8.34	16	9.09	12	9.37	11
Maharashtra	71.0	15	9731.2	6	15.70	8	17.20	4	8.63	12
Manipur	96.3	1	-	-	-	-	-	-	-	-
Meghalaya	68.0	17	-	-	-	-	-	-	-	-
Nagaland	91.6	2	-	-	-	-	-	-	-	-
Orissa	85.0	6	5846.0	11	10.31	12	8.93	13	17.95	4
Punjab	68.4	14	11966.0	3	27.36	1	16.01	5	27.24	1
Rajasthan	76.9	12	6502.6	8	18.81	15	8.73	14	14.64	8
Sikkim	-	-	-	-	-	-	-	-	-	-
Tamil Nadu	66.2	18	5580.9	12	18.82	6	10.71	10	-	-
Tripura	80.1	10	-	-	-	-	-	-	-	-
Uttar Pradesh	83.4	8	24521.0	1	10.50	11	7.09	15	16.40	6
West Bengal	84.9	7	8281.9	7	14.42	9	10.57	11	16.72	5
All India	74.7	-	-	-	13.38	-	11.37	-	16.49	-

S.No.	State	1977-78	Rank	1977-78	Rank	1978-79	Rank	1973-74	Rank
		%age of net area sown to total reporting area		%age of net area irrigated to net area sown		%age of gross irrigated to gross cropped area		Area under foodgrains as %age of total cropped area	
1.	Andhra Pradesh	39.79	13	30.77	7	35.8	6	71.1	14
2.	Assam	34.12	15	21.36	9	17.3	12	72.7	13
3.	Bihar	49.50	9	33.96	6	32.6	7	89.1	3
4.	Gujarat	50.63	8	16.98	12	18.6	11	48.1	19
5.	Haryana	82.77	2	51.41	2	53.9	2	77.0	11
6.	Himachal Pradesh	18.60	17	16.08	13	16.7	13	88.5	4
7.	Jammu and Kashmir	29.59	16	42.68	5	41.12	5	87.4	5
8.	Karnataka	53.60	7	13.59	14	15.4	14	45.4	20
9.	Kerala	56.66	6	10.36	17	12.3	15	30.8	21
10.	Madhya Pradesh	42.42	12	11.46	15	11.1	17	81.5	9
11.	Maharashtra	59.32	4	10.40	16	11.6	16	71.0	15
12.	Manipur	..	..	..	..	..	..	96.3	1
13.	Meghalaya	..	..	..	..	..	..	68.0	17
14.	Nagaland	..	..	..	..	..	..	91.6	2
15.	Orissa	38.59	14	17.86	11	19.2	10	85.0	6
16.	Punjab	82.87	1	78.79	1	83.0	1	68.4	14
17.	Rajasthan	44.32	11	18.23	10	19.7	8	76.9	12
18.	Sikkim	..	..	..	..	..	..	..	..
19.	Tamil Nadu	48.43	10	45.06	4	49.7	3	66.2	18
20.	Tripura	..	..	..	..	..	..	80.1	10
21.	Uttar Pradesh	58.47	5	48.76	3	43.5	4	83.4	8
22.	West Bengal	69.84	3	24.08	8	19.6	9	84.9	7
	All India	46.77	..	25.78	..	27.5	..	74.7	..

S. No.	State	1981			1980		
		%age of main workers to total population	Rank	%age of Agricultural labours to total workers	Rank	Crude birth rate (Per thousand)	Rank
1.	Andhra Pradesh	42.18	2	36.68	1	31.0	12
2.	Assam	..	..	..	..	31.9	8
3.	Bihar	29.66	12	35.44	2	37.8	3
4.	Gujarat	32.40	9	22.82	11	35.8	6
5.	Haryana	97.92	1	16.40	12	37.2	4
6.	Himachal Pradesh	33.89	7	2.92	16	32.8	7
7.	Jammu and Kashmir	30.37	10	3.49	15	31.3	11
8.	Karnataka	36.82	6	26.66	7	27.6	16
9.	Kerala	26.54	16	28.19	4	26.8	17
10.	Madhya Pradesh	38.49	5	24.17	9	37.1	5
11.	Maharashtra	38.71	4	26.79	6	29.3	14
12.	Orissa	32.82	8	27.65	5	31.6	10
13.	Punjab	29.03	14	22.83	10	29.9	13
14.	Rajasthan	30.35	11	7.37	14	38.7	2
15.	Tamil Nadu	39.15	3	31.45	3	27.9	15
16.	Uttar Pradesh	29.13	13	16.32	13	39.4	1
17.	West Bengal	28.47	15	24.81	8	31.7	9
	All India	33.44	..	25.16	..	33.7	..
						12.6	..

Estimates of Per-Capita Net State Domestic Product at Current Prices

S. No.	State	1975-76		1973-74 to 1979-80		1979-80	
		Goods vehicles per lakh of population (No.)	Rank	Per Capita Income	Rank	Per-Capita Income	Rent
1.	Andhra Pradesh	43	14	868	9	1176	10
2.	Assam	65	13	676	18	1083	11
3.	Bihar	27	16	559	20	773	17
4.	Gujarat	72	10	1116	4	1623	4
5.	Haryana	82	5	1276	2	1923	2
6.	Himachal Pradesh	127	2	953	6	1288	7
7.	Jammu and Kashmir	75	8	720	15	1301	6
8.	Karnataka	74	9	992	5	1246	9
9.	Kerala	48	12	876	8	1056	12
10.	Madhya Pradesh	37	15	714	16	817	15
11.	Maharashtra	139	1	1157	3	1903	3
12.	Manipur	..	..	792	12	..	..
13.	Meghalaya	..	..	729	14	..	..
14.	Nagaland	..	..	683	17	..	..
15.	Orissa	71	11	765	13	796	16
16.	Punjab	76	7	1484	1	2361	1
17.	Rajasthan	90	4	826	11	913	14
18.	Tamil Nadu	78	6	865	10	1274	8
19.	Tripura	..	..	729	14	..	..
20.	Uttar Pradesh	25	17	677	19	994	13
21.	West Bengal	106	3	920	7	1390	5
	All India	70	..	..	..	1333	..

MAIN INFERENCES DRAWN FROM STATISTICS

- In any democratic arrangement Muslims would enjoy a majority in J & K State Assembly.
- Kashmiri Pandits, Shias, Gujjars and Bakerwals can form a separate minority group to demand a part of Kashmir valley and a special representation in the State Assembly. Buddhists may also support this group.
- There has been an uneven economic development of various regions, with Kashmir valley getting the largest slice of the cake. This situation must be corrected. This aspect is also connected with the number of 'Seats' in the State Assembly. In the present system National Conference leaders with their political base in the valley will always give maximum benefits to the valley.
- State 'economic capital' can be shifted out of the valley.
- Militant ranks are joined mostly by school dropouts supported by higher literacy groups located in Srinagar, Sopore and Anantnag.
- Except for some districts, J & K is not a backward State by All India standards. Economic planning is also not lagging behind other hill States of India.

NOTES

1. Socio-Economic data based on
 - (a) Economic Review J&K 1987-88, Government of J&K Publication.
 - (b) Report on situation analysis of children in J&K 1983-84, Planning and Development Department, J&K.
 - (c) Sikri Commission Inquiry J&K 1979.
 - (d) Miscellaneous Publications J&K Government.

APPENDIX 'A'

**POLITICAL VIEWS OF
PAKISTAN / POK**

**(EXCERPTED FROM AZAD KASHMIR WRIT PETITION
AGAINST PAKISTAN ON THE JURISDICTION OF
NORTHERN AREAS)**

22. On announcement of independence of the subcontinent on June 3, 1947, the Muslims of the State demonstrated their voice in favour of accession of the State to Pakistan. *On July 19, 1947*, the Muslim Conference, in its meeting held in *Srinagar*, declared its desire to accede to Pakistan. The decision of the Muslim Conference, in the shape of its resolution, is reproduced :

(1) This meeting of All Jammu and Kashmir Muslim Conference Convention expresses its satisfaction and congratulates the Qalade-Azam for his achievement.

(2) The people of the Indian States expected that they would walk shoulder to shoulder with the people of British India in the attainment of freedom. On the partition of India the people of British India have obtained independence but the announcement of June 3, 1947 has strengthened the hands of the Indian Princes and unless the Princes respond to the call of the times, the future of the people of the Indian States is very dark. There are only three ways open to people of Jammu and Kashmir State :-

1. To accede to India, or
2. To accede to Pakistan, or
3. To remain Independent.

*1. Sub headings added for easy understanding

2. Part of Socio - Political Study : Pakistan and POK
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The Convention of the Muslim Conference has arrived at the conclusion that keeping in view the geographical conditions, 80 per cent Muslim majority out of total population, the passage of important rivers of the Punjab through the State, the language, cultural racial and, economic connection of the people and proximity of the borders of the State with Pakistan, are all facts which make it necessary that the Jammu and Kashmir State should accede to Pakistan".

23. It is relevant to recapitulate the scheme of independence of the subcontinent to enable to appreciate the conflict of Kashmir, relevant to the proposition under consideration. The political forces in the subcontinent were divided into All India Congress (hereinafter referred to as Congress) and All India Muslim League (hereinafter referred to as the League). The leadership of Congress pursued independence of the subcontinent as one unit. Conversely, the League demanded creation of Pakistan by partition of India. Efforts were made at diplomatic and political levels to attain conciliation between the rival leadership of the subcontinent, but without success. Thus, in the light of demand of the rival parties, the scheme of independence of the subcontinent was pronounced by the British Government through the Viceroy of India, on June 3, 1947. The scheme was given a statutory form in the name of the Independence Act, 1947. The Act was promulgated by the British Parliament for setting up two Independent dominions, viz.,

- 1) Indian Union and
- 2) Pakistan.

Thus, both the dominions were to emerge on August 15, 1947 as successor to the Government of British India. The partition of the subcontinent was to take place on the basis of two-Nation theory, meaning thereby that the Muslim majority areas were to form part of Pakistan and the rest that of the Indian Union.

24. Prior to the Independence Act, the Government of India Act, 1935 envisaged a scheme of accession of Princely States to the British India. On the same pattern and style, advice was tendered by the Viceroy of India to the Princes. He addressed the Chamber of Princes in Delhi on July 25, 1947. The Princes were advised to accede to either of the dominions of their choice. Nevertheless, it was advised that while deciding the question of accession, the rulers should keep in view:

- i) the geographical proximity;
- ii) the welfare of the State; and
- iii) the views of majority of the people of the State.

25. The rulers of the States of the subcontinent somehow decided the accession of their States to either of the dominions, except the Nizam of Hyderabad and the Maharaja of Kashmir State.

26. The proposition under consideration is an off-shoot of the Kashmir dispute, as the ruler of the State failed to take timely decision by acceding to either of the dominions before August 15, 1947. The decision was delayed deliberately to reduce the majority of the Muslim population by resort to large scale genocide on the pattern of States of Kapurthalla, Faridkote, Patiala, Bharatpur, Alwar and Gwalior. In all these States, a preplanned extensive campaign of genocide was directed against the Muslim population. An identical drama was to be staged in southeastern part of Jammu, Kathua and Akhnoor; action of genocide was initiated by the State forces, assisted by bands of Sikhs and Hindus. A wave of terror thus ran throughout the State. In such a situation, the Muslims of the State, particularly the ex-soldiers who had served in the second world war, organised themselves into small units and decided to make a final bid for liberty. Thus, several thousands of Muslims of the State, particularly in the areas of Poonch and Mirpur, decided to struggle against the brute forces of the State. In lieu of their

sacrifices, areas of district Mirpur, Kotli, Rawalakot, Bagh, Poonch, Gilgit, Baltistan and Frontier areas were liberated. The Muslim forces set up an Azad Government on October 24, 1947, which took over the administrative control of these areas, in addition to freedom movement. The administrative control of Gilgit, Baltistan and Frontier areas was taken over by the Pakistan Government. This action was subsequently ratified by an agreement executed between the Government of Pakistan and the Azad Government of the State of Jammu and Kashmir, endorsed by the President of All Jammu and Kashmir Muslim Conference, in April, 1949. Since then, the administrative control of the areas has been continuously with the Government of Pakistan. As the people of these areas were not associated with the administration nor they were given due representation in the Assemblies, it was realised, with the passage of time, that these people were deprived of their basic human rights, including the right of representation and administration. Thus, an effort was made to seek redress of their grievances at other hand, as a deception, on August 12, a Standstill Agreement was proposed both to India and Pakistan. Pakistan accepted the proposal whereas India avoided it, on the pretext of direct negotiations at the ministerial level.

33. As the Pakistan Government and leadership was deeply occupied in the establishment of administration of the new dominion, settlement of refugees and other national issues, an organised genocide of the Muslims of the State was planned by fanatic Hindu and Sikh forces. Trained Hindu and Sikh gangsters were brought in the State. They were distributed arms. Muslims were disarmed. Additional military cantonments and posts were established in Jammu, Kathua, Samba, Mirpur and Poonch, and entire frontier common with Pakistan territory was sealed. In the first week of September, large scale genocide operations were started. The Muslims in Samba, Kathua, Udhampur and Jammu were subjected to sudden attacks. Over a quarter of a million were killed and more than a quarter million were forced to

migrate to Pakistan. *Times of London*, in its publication of October 10, 1948, reported :

"Over a quarter million Muslims were massacred in Jammu Province alone. The orgies of bloodshed were initiated by the hired gangsters imported by the State administration, with State troops looking on as unconcerned spectators, at times and on occasions by the troops themselves with the Maharaja heading them at quite a few places".

34. On apprehending the nefarious designs of the Maharaja and the State authorities, the Muslims of the State were alarmed. In a state of terror, they organised themselves. The lot who had served in the second world war, raised regiments and undertook an armed struggle against the forces of Maharaja. They were reinforced by the neighbouring Muslims from the Punjab, North-West Frontier Province and tribesmen. Mirpur, Bhimber, Kotli, Bagh, Rawalkot, Pallandari and Muzaffarabad were liberated. Rajouri and Mehndar, except Poonch city and areas surrounding Naushehra, were also occupied by the freedom-fighters. Gilgit, Baltistan and Ladakh were also eventually liberated by the local people of the areas, assisted by Gilgit Scouts and the Muslim soldiers of the State army. On October 24, 1947, a revolutionary Government was formed. The revolutionary Government assumed the charge of armed struggle and also undertook the establishment of administration to restore law and order in the liberated territory.

35. Maharaja Hari Singh, who deserted Srinagar, took refuge in Jammu. On giving a final touch to the conspiracy already undertaken, *the accession of the State* was announced with India. The Governor-General of India acknowledged the accession provisionally, with the condition that on restoration of law and order, the question of future of Jammu and Kashmir shall be determined by its

people in exercise of their free will *through a plebiscite* under the auspices of the United Nations. The Government of Pakistan lodged a strong protest against the fraudulent accession of the State with India. The Indian Prime Minister, through telegraphic messages addressed to the Prime Minister of Pakistan, assured the settlement of future of the State by a reference to its people. The Indian Prime Minister invariably endeavored to convince Pakistan that the ultimate future of the State shall be settled by the people of the State. As the dispute could not be settled bilaterally, it was taken to the Security Council, by India. In the Security Council, India reiterated its claim to the accession, but at the same time, committed that the people of the State were the sole arbiter of their fate and future and they alone shall be able to decide their destiny. The Security Council, vide its resolutions, guaranteed that the Kashmir problem shall be settled by a plebiscite under the United Nations' auspices. The United Nations Commission for India and Pakistan reiterated the unanimously accepted resolutions of the Security Council in their own detailed resolutions unanimously passed on August 13, 1948 and January 5, 1949. These resolutions were also endorsed by both India and Pakistan.

72. On second thought, India manoeuvre to frustrate the resolutions of the Security Council and the United Nations Commission for India and Pakistan by holding elections to the Constituent Assembly of the Indian-occupied part of the State, and manipulated its endorsement of the alleged accession made by the last ruler of the State. Pakistan promptly invited attention of the Security Council to the conspiracy of India in collaboration with the leaders of the Indian held part of the State, and exposed the scheme of India to integrate the State with the Indian Union, to frustrate the resolutions of the United Nations. The Security Council summoned its meeting and examined the complaint of Pakistan. It unanimously resolved on March 30, 1951 :

" Having received and noted the report of Sir Owen Dixon, the United Nations Representative for India and Pakistan, on his mission initiated by the Security Council resolution of March 14, 1950.

Observing that the Governments of India and Pakistan have accepted the provisions of the United Nations Commission for India and Pakistan resolutions of August 13, 1948, and January 5, 1949, and have reaffirmed their desire that the future of the State of Jammu and Kashmir shall be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.

Observing that on October 27, 1950, Council of "All Jammu and Kashmir National Conference" adopted a resolution recommending the convening of a Constituent Assembly for the purpose of determining the future shape and affiliations of the State of Jammu and Kashmir.

Observing further from statements of responsible authorities that action is proposed to convene such a Constituent Assembly and that the area from which such a Constituent Assembly will be elected is only a part of the whole territory of Jammu and Kashmir.

Reminding the Governments and authorities concerned of the principle embodied in the Security Council resolutions of April 21, 1948, June 3, 1948 and March 14, 1950, and the United Nations Commission for India and Pakistan resolutions of August 13, 1948, and January 5, 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed in the democratic method of a free and impartial plebiscite conducted under the

auspices of the United Nations.

Affirming that the convening of a Constituent Assembly recommended by the General Council of the "All Jammu and Kashmir National Conference" and any action that assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the above principle.

73. Second attempt was made by India on identical lines in 1956. It once again manoeuvred to get the purported accession by the ruler, stamped the Assembly of the State, to perpetuate aggression and usurpation of the State. Pakistan, again, invited attention of the Security Council the conspiracy and emphasised that India may stopped from perpetuating its hold on the State defeating the United Nations' resolutions. The Security Council once again rose to the occasion reiterated its earlier stand, in the shape of its resolution passed on January 24, 1957. The resolution was passed in the following terms :

"THE SECURITY COUNCIL

Having Heard statements from representatives of the Governments of India and Pakistan concerning the dispute over the State of Jammu and Kashmir;

Reminding the Governments and Authorities concerned of the principle embodied in its resolutions of 21 April 1948, 3 June 1948, 14 March 1950 and 30 March 1951, and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations :

Reaffirms the affirmation in its resolution of 30 March 1951 and declares that the convening of a Constituent Assembly as recommended by the General Council of the "All Jammu and Kashmir National Conference" and any action that Assembly may have taken or might attempt to take to determine the future shape and affiliation of the entire State or any part thereof, or action by the parties concerned in support of any such action by the Assembly, would not constitute a disposition of the State in accordance with the above principle:

Decides to continue its consideration of the dispute."

74. It is evident from the language of both the resolutions that The Security Council steadfastly adhered to its resolutions passed on April 21, 1948, June, 3, 1948, March 14, 1950 and March 30, 1950 and to the United Nations Commission for India and Pakistan's resolutions of August 13, 1948 and January 5, 1949. It affirmed that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people, expressed in the democratic method by free and impartial plebiscite conducted under the auspices of the United Nations. As a caution, it denounced the proposed attempt of the Assembly and National Conference of taking any step to determine the future shape and affiliation of the entire State or any part thereof in derogation to its resolutions. It warned that any attempt to determine the future shape or affiliation of the entire State or any part thereof would not be accepted and it would not constitute a disposition of the State in accordance with the principle enunciated in the resolutions.

75. Pakistan, at all levels, adhered to the aforesaid pronouncements of the Security Council. Therefore, no idea or scheme which is derogatory to the well considered and consistent policy of Pakistan may be entertained at any stage. By allowing integration of Northern areas to any Province of Pakistan would tantamount to negation of the Pakistan's stance at home and in the Security Council. At

first, such a derogatory step may appear beneficial to some minds, but in the larger interests of Pakistan and particularly the future of Gamma and Kashmir State, no sane person would allow disintegration of the State in any manner. This is so, as indirectly it fell in line with the Indian policy to deny the right of self-determination to the people of Gamma and Kashmir by integrating the territory under its control with the Indian Union, by striking finally the hammer of servitude and subjugation on the people of the State.

76. It will not be useless at this juncture to lift the curtain from the Indian conspiracies to mislead the world opinion, to retain its hold on the State, right from the time the formula of partition of the subcontinent was announced. It may not be forgotten that the Indian leaders, despite making their individual and collective commitments, at all levels, to hold plebiscite in the State, concocted and fabricated grounds to delay the proposed plebiscite to keep the State in their fold. We propose to expose these conspiracies by reference to an independent source. Professor Alastair Lamb, in his celebrated treatises "KASHMIR A DISPUTED LEGACY", edition 1991, recorded full account of political developments in the State. By dint of his deep study and research in various archives, including India, exposed the political developments which took place in late 1946 and 1947. He invited attention of the scholars interested in the Kashmir problem, to see how the Prime Ministers were changed, one after another, within a short span of time and Justice Mehr Chand Mahajan (he was member of the Boundary Commission, nominated by India) was installed as Prime Minister of Kashmir on September, 18, 1948. This was a crucial time in the subcontinent and particularly in the State, as the liberation forces within the State had already swung into action. At the relevant time, he was a sitting Judge of East Punjab High Court. He obtained leave to assume the assignment on persuasion of Patel and sanction of Jawahar Lal Nehru. Alastair Lamb described all the relevant events in chronological order, as they enveloped the political scenario at the time. He highlighted the hypocrisy

of Indian leadership, in his own words, and we extensively quote the relevant excerpts :

Immediately after the departure from the State of Jammu and Kashmir of Major-General Scott on 22 September (and now safer from British observation) some active steps taken to strengthen links with by providing Srinagar airfield were India with wireless equipment to make it more suitable for bad weather operation. Arrangements were made for the supply of extra arms and ammunition to the Jammu and Kashmir State Armed Forces through an Indian Military adviser. Lt. Col. Kashmir Singh Katoch (a regular officer in the Indian Army, who was a son of Janak Singh, then Prime Minister of Jammu and Kashmir, and related to Maharaja Hari Singh) who was established in Srinagar beginning of October (and who remained there throughout the accession crisis); and by the middle of the month, war material was being flown in to the State in significant quantities. Staff preparations were made for Indian troop concentrations at Madhopur in the Pathankot Tehsil near the Jammu border as potential reinforcements for the State Army. The improvement of the road from Jammu to Indian frontier in the direction of Pathankot, begun around the time of the transfer of power, was accelerated and telegraphic lines of communication were expanded. Batra, the Deputy Prime Minister of the State, was now in regular contact not only with Sardar Vallabhbhai Patel but also with Baldev Singh, the Defence Minister in the Government of India. No doubt there were other links between Srinagar and New Delhi : for example : D.P.Dhar, a young Kashmiri Brahmin (Pandit) who was beginning his political career, certainly possessed close contacts at the higher level of Indian political life.

All this activity, recorded in considerable detail in the first volume of Sardar Vallabhbhai Patel's correspondence which was published in 1971, makes it clear that both Sardar Vallabhbhai Patel and Baldev Singh were heavily engaged in the planning of some kind of Indian military intervention in the State of Jammu and Kashmir, if only on a contingency basis, by at least 13 September 1947; and that by the third week of October a substantial foundation for such an operation had been laid .. " (Page 130)

"The Sikh Maharaja of Patiala, for example, in the first two weeks of October 1947 provided his colleague in the State of Jammu and Kashmir with a battalion of infantry and a battery of mountain artillery from his own State Armed Forces; perhaps this had been discussed when the Maharaja of Patiala visited Srinagar in July 1947. When Indian troops finally intervened in Jammu and Kashmir on 27 October 1947 they found, apparently to their surprise, Patiala gunners already guarding the vital Srinagar airfield, where they had been encamped since at least 17 October. The Patiala infantry were stationed in Jammu as reinforcements for the garrison of the Maharaja's winter capital. How these troops were transported is not known : it is possible that they were moved as part of the supply convoys despatched to Jammu and Srinagar by the Government of India in reply to the alleged Pakistani "blockade". Shortly after the formal intervention of the Indian Army the Maharaja of Patiala, Yadavindra Singh, came to Jammu to command his contingent in person.

In that by October 1947 the Patiala State forces had by the terms of the State's accession to India (as part of the Patiala and East Punjab States Union) on 5 May 1947 come under the control of the

Government of Indian Union at the moment of the Transfer of Power, this deployment of Patiala State troops raises a number of questions which have yet to be answered, not least how they actually managed to reach the State of Jammu and Kashmir without the fact being reported to the senior British commanders still in the service of the Indian Army (who would surely have informed Mountbatten had they known). The arrival of such exotic forces could hardly have escaped the notice of the Indian Army observer in the State, Lt. Colonel Kashmir Singh Katoch)... "(Page 131)

"If Mahajan's account of his travels is true, and he was quite emphatic that he refused to return to the State until Srinagar airfield was firmly in Indian hands (reflecting both the Maharaja's determination that Indian assistance should physically arrive before he finally committed himself to handing power to Sheikh Abdullah and, one must presume, Mahajan's personal reluctance to run the slightest risk of falling into the hands of Pathans), then it would appear that the Indian intervention actually took place before the formalities of Accession had been completed..." (Page 136)

If we accept the chronology indicated by Mahajan rather than V.P. Menon, then it rather looks as if the Maharaja's original formal (as opposed to the various covert arrangements) request for Indian military aid, advanced on his behalf by Batra on 24 October but not accepted by the Indian side, made no reference to Sheikh Abdullah being given office, an idea which the Maharaja found extremely distasteful; and it is probable, moreover, that accession was not offered at this stage. The Sheikh Abdullah feature, discussed by Nehru with Sheikh Abdullah himself on 25 October, was surely finalised at the meeting at Nehru's house on the 26

October already described. A draft letter would have then prepared for the Maharaja's signature, that letter published as having originated from him on 26 October though, in fact, it was only brought to him in Jammu on the following day along with Mountbatten's acceptance of its terms. This charade, of course, of which Mountbatten must have been aware (unless he had been shown a fraudulently signed letter from the Maharaja, and perhaps, Menon had lied to him about a journey to Kashmir with Mahajan on 26 October), would have required a measure of falsification of the record both as to chronology and as to origination of the proposals. As we have seen in Chapter 4, such manipulations of documentation were not unknown in the British Government of India's conduct of political matters. The actual Instrument of Accession (which made no mention of the crucial Sheikh Abdullah element and was, therefore, in the context of the moment just a formality) was, in fact, no more than a printed form, not unlike an application for a driving licence, with blank spaces left for the name of the State, the signature of the Maharaja and the date: and it also captioned a printed form of acceptance which required dating and signature by Mountbatten as Governor General. It would have presented no great difficulties to arrange for Mahajan to carry back to Jammu with him on 27 October such a form, to be predated 26 October, with the Governor-General's acceptance already signed and dated 27 October, for the Maharaja to sign at a moment convenient to him"... (pages 136 and 137).

In his recent interview with Amera Saeed, appeared in esteemed English Daily (*MUSLIM*) of Islamabad, on Friday, November 27, 1992, he further highlighted the truth of bogus and fraudulent Instrument of Accession. Relevant portion is :

"The problem we have got now is that somebody is lying through his teeth, because here we have a whole set of documents which are dated the 26th (of October 1947) and accepted by Mountbatten on the 27th, and which can't possibly have been signed on the 27th. And then when we look at the documents and we wonder that they are, anyway. Because, what was produced was a printed document relating to accession during the British period. It can't possibly be the document that Mountbatten's people are talking about, because Mountbatten, in the discussions, of which we have several records of the accounts on the 26th, when he says we must have this accession, says 'Let an instrument of accession be drafted'.

"Now this is standard form, printed for August, with August crossed out, and October put in, which can't possibly be what they are talking about. So I think and this is the most important discovery I have made that there was no document at all. I was in the India Office Library a month ago, and I met a Professor Husnain, who has been an archivist of the Jammu and Kashmir State, and he says that they have been looking for the past forty-three years to find the original Instrument of Accession and never found it! There isn't one! When you come to think of it, having got the Indian troops in, why sign?"

77. We may also add the list of events leading to fraudulent accession manoeuvred by India, by reference to utterance from the horses mouth. Mohan Krishen Teng, a Hindu author, in his book "*KASHMIR ARTICLE 370*", recasted the political events, points of difference between the Kashmir leadership and Indian rulers, the pressure on Kashmir leadership and its ultimate succumbing to pressures. This evidence corroborates the analysis to Professor Alastair Lamb. We may liberally quote the relevant excerpts as :

"Hari Singh did not commit himself to accept any future Constitution of India. However, he reserved the right to enter into agreements with the Government of India under any future constitution of India. The instrument of accession did not effect the continuance of the sovereignty of the Ruler in and over the State or the validity of any law in force in the State, save as provided by or under the Instrument of Accession." (Page 45)

"The Conference leaders insisted that the obligations undertaken by the Maharaja, by virtue of the Instrument of Accession were subject to their approval. Therefore, they did not accept the accession of the State, as it was envisaged by the State Department or the Maharaja. In fact, they visualised the accession of the State as an administrative arrangement which was arrived at between them and the government of India, not between the Maharaja and the Government of India.

The Conference leaders, had before the partition of India, committed themselves to united India, which they had presumed would be based upon reorganisation of the British India and the Indian States into autonomous political identities, mainly based upon the reconciliation of communal balances. The partition had, however, destroyed the basis of Indian unity the Conference leaders had visualised and liberated the two Dominions from the constraints any communal balances imposed upon them. The Constituent Assembly of India had opted for a Union of India based on the secular integration of the people of India rather than the recognition of communal balances and federal autonomy. In broad terms the conference leaders took the position which underlined :

- i) the Jammu and Kashmir State was a Muslim

majority State and in order to protect Muslim identity, it could not be brought within the political organisation of India, which is dominantly Hindu :

- ii) the existing arrangements between the Maharaja and the Government of India could not form the basis of the constitutional organisation of the State or determine the future of the State's constitutional relations with the Dominion of India :
- iii) the future Constitution of the State and the constitutional relations between the State and the future federal organisation of India would be determined by fresh agreements between the Interim Government and the Government of India :
- iv) the stipulation of the Instrument of Accession would be treated as redundant to the extent such stipulations brought the State within the jurisdiction of the Dominion of India.

The National Conference leaders pledged their support to the accession of the State, but they refused to accept the secular integration of the State in the federal organisation of India. That claimed that the Jammu and Kashmir State was a Muslim majority State and as such it could be placed in the Indian political organisation only on the basis of communal balances, as a separate and autonomous political entity, which did not form a part of the constitutional organisation of India." (Pages 47 and 48)

"While the Indian leaders were trying frantically to find a solution of the problems in the State, and remove the Maharaja, Sheikh Muhammad Abdullah threw a bombshell in their midst. In a press statement, he gave to an influential English newspaper "Scotsman" he pleaded for the

independence of the State. " Accession on either side cannot bring peace", Abdullah stated. "We want to live in friendship with both Dominions. Perhaps a middle path between them, with economic cooperation with each, will be only way of doing it. But an independent Kashmir must be guaranteed not only by India and Pakistan, but also by Britain, the United States and other members of the United Nations". Sheikh Muhammad Abdullah added further, "During the communal riots in the Punjab after partition, we tried in our humble way to stem the wave of fanaticism. That is why I urged we should wait before deciding our affiliation. I pleaded with both Dominions to help us first to win internal emancipation before asking us to choose! India replied by refusing to make a standstill agreement with the Maharaja; Pakistan did not do so. When during the crisis India accepted the Maharaja's accession, Pandit Nehru insisted that it was only provisional and that people must decide later". (Pages 51 and 52).

78. The aforesaid events fully coincide, without reservations, that any attempt at regional integration of any part of the State would not only negate the principle of right of self- determination promised to the people of Kashmir at the forum of the United Nations, rather it shall be suicidal to the Cause as a whole. The tremendous sacrifices of Cashmeres may go waste. A sane approach to the proposition, therefore, would be to desist from integrating the Northern areas to any Province of Pakistan, unless the future of the State, as a whole, is settled in exercise of right of self-determination as promised.

We may add another reason in support of our contention by reference to the provisions of Pakistan Constitution. In consistent with the policy, the framers of the Constitutions of the Islamic Republic of Pakistan in

1956, 1962 and 1973, made an express provision in the Constitutions in respect of the State of Jammu and Kashmir. Article 257 of the present Constitution of Pakistan postulated :

"When the people of the State of Jammu and Kashmir decide to accede to Pakistan, the relationship between Pakistan and that State shall be determined in accordance with the wishes of the people of that State."

These provisions are consistent with the policy of Pakistan in relation to the Kashmir State. It is clearly postulated that the State of Jammu and Kashmir, as such, is a single entity. Its future is yet to be determined in the light of the terms and of the act of accession. An open scope of terms and conditions of accession have been deliberately preserved by the framers of the Constitution. Therefore,

- v) when more than one meaning may be construable, such significance may be given to the provisions which are most close to the scheme and structure of the Constitution:
- vi) Constitution or statutes may be construed to maintain its harmony; and
- vii) Preamble of the Constitution may be helpful to construe the scope of objectives and intent of its framers.

92. In the light of the grund norms applicable to interpretation and construction of Constitution, as listed above, next, we advert to the scheme, objectives and character of the Azad Jammu and Kashmir Interim Constitution Act, 1974. It is undenied that the structure, position and status of Azad Jammu and Kashmir is unique among the comity of Governments and States in the world. Likewise, the scheme, structure and position of its Constitution is equally unique. This is so as the political

status, as it emerged on constitution of the modern state in 1846; its status at the time of independence in 1947; the emergence of dispute pertaining to its accession; the dispute over its future status being still on the agenda of the Security Council; passing of various resolutions by the Security Council and the United Nations Commission for India and Pakistan, divided defence control on one part of it under India and the other part under Pakistan, presence of two Governments, one in the Indian controlled area and the other in the liberated area, are unparallel to any other State in the world in 20th century.

93. Another noticeable characteristic feature of the Constitution Act pertains to the style and character of the Government. Under Section 2, the term "Government" has been defined as 'the Azad Government of the State of Jammu and Kashmir'. In order to give true meaning to its definition, the scheme of Constitution envisaged various institutions, including :

- i) the President;
- ii) the Prime Minister (with Council of Ministers);
- iii) the Legislature;
- iv) the Council;
- v) the Supreme Court and the High Court;
- vi) the Chief Election Commissioner;
- vii) the Auditor General; and
- viii) the Council of Islamic Ideology.

It has its own national flag and national anthem. The Azad Government has a dual character as its fabric is blended with federal and unitary form of Government.

94. In consequence of the upsurge of the masses against the oppressor ruler and liberation of large areas, it was resolved to form a provisional government, with the

claim of Government of whole of the State. The provisional Government was announced on October 24, 1947, with its capital seat at Pallandari in Poonch. The declaration issued by the provisional Government on this emergence contained the background of the liberation movement, liberation of part of the State and the objectives in view, for formation of the provisional government. The declaration being of vital importance, is reproduced :

"The Provisional Azad Government, which the people of Jammu and Kashmir have set up a few weeks ago with the object of ending intolerable Dogra tyrannies and securing to the people of the State, including Muslims, Hindus and Sikhs, the right of free self-Government has now established its rule over a major portion of the State territory and hopes to liberate the remaining pockets of Dogra rule very soon. In view of these circumstances it has been reconstituted with Mr. Ibrahim, Bar-at-Law of Poonch as its provisional head, and its headquarters have been moved to Plandari in Poonch.

The new Government represents the united will of the Jammu and Kashmir State to be free from the rule of the Dogra dynasty which has long suppressed and oppressed the people.

The movement of liberty which has culminated in the formation of the present provisional Government has a long history dating from 1929. Thousands of Jammu and Kashmir people, including members of all communities, have suffered death and imprisonment in the cause of this movement. One of its forms was the *Quit Kashmir Movement* launched in the Kashmir valley last year.

It will be recalled that Pandit Jawaharlal Nehru as a friend of the suffering people of Indian States went to help this movement at the time but was not

allowed to enter the State territory under the orders of the ex-Ruler Hari Singh. The tyrannies perpetrated by the Raja and his officials and his troops on the people increased with the increase in the, desire of the people for freedom and self-Government.

Recently a prominent Hindu patriot, who wanted to proceed to Karachi and New Delhi to represent the intolerable conditions in the State to our neighbouring Dominions of Pakistan and India was arrested by the ex-Ruler's officials.

The united will of the people has, however, overcome the organised violence of the Ruler's armies. He and his so called Prime Minister have fled from Kashmir and will perhaps soon flee from Jammu as well.

The Provisional Government, which is assuming the administration of the State is most emphatically not a communal Government. It will include Muslims as well as non-Muslim in the provisional Cabinet which will serve the people, the temporary purpose of restoring law and order in the State and enable the people to elect by their free vote a popular legislature and a popular Government.

The Provisional Government entertain sentiments of the utmost friendliness and goodwill towards the neighbouring Dominions of India and Pakistan and hopes that both the Dominions will sympathise with the people of Jammu and Kashmir in their efforts to exercise their birthright of political freedom. The Provisional Government is further anxious to safeguard the identity of Jammu and Kashmir as political entity. The question of accession of Jammu and Kashmir to either Dominion can only be decided by the free vote of the people in the form of a referendum. The Provisional Government will make prompt arrangements for

this and hopes to invite independent observers to see that the question is decided by the free will of the people."

It is evident from the Declaration recapitulated above that the character of the Azad Government was provisional till the liberation of whole of the State. It is represented by the united will of the people of Jammu and Kashmir to attain freedom from the Dogra dynasty. The united will represented all communities residing in the State. An undertaking was also given that the Provisional Government shall safeguard the identity of Jammu and Kashmir as political entity and that the question of accession of the State to either Dominion was to be decided by the free vote of the people in the form of free plebiscite.

95. As the war of liberation was in progress, no Constitution was framed immediately after the formation of the Provisional Government and the administration was run with the help of Rules of Business. The first Rules of Business were framed in 1948. These were supplemented in 1950. With the understanding that the future of the State was to be determined in a free plebiscite as guaranteed by the resolutions of the Security Council and the United Nations Commission for India and Pakistan; no need was felt to give democratic shape to the government and its institutions. As time passed on, it was realised that the Government will be given a democratic character. Thus, in 1960, limited franchise was introduced in the shape of Azad Jammu and Kashmir Basic Democracies Act, 1960. The President was elected by the electoral college comprising the Basic Democrats directly elected in Azad Kashmir and from refugees of the State settled in Pakistan. A Council representing the natives of Azad Kashmir and refugees settled in Pakistan was also constituted of elected representatives. As the desired purpose was not served, it was demanded that the national institutions may be given

a true representative cover by introduction of the system of adult suffrage. The demand was accepted. The Azad Jammu and Kashmir Government Act, 1970 was promulgated. By virtue of the provisions of the Act, the President of Azad Jammu and Kashmir was elected by the electorates directly. A legislative Assembly was also formed by its directed elected members.

In 1974, it was deemed expedient to introduce parliamentary form of Government, to harmonise it with the system prevailing in Pakistan. The Act of 1970 was modified and reenacted in the shape of the Azad Jammu and Kashmir Interim Constitution Act, 1974.

Haider, Subedar-Major Babar Khan and Wazir Walayet Ali formed a provisional Government, headed by Subedar Raees Khan. On November 3, 1947, flag hoisting ceremony took place at Gilgit in Scouts Lines where all civil officers of the State (Jammu and Kashmir) saluted the Pakistan flag. *On November 3, the charge of Gilgit was handed over to the provisional Government.* Brigadier Ghansara Singh was removed from Gilgit to Pakistan and was released on January 15, 1949 at Suchetgarh. In para 117 of his memoirs, he listed the main causes of fall of Gilgit agency. As one of the causes, he described that Mirs of Hunza and Nagar, who were State guests in Srinagar before return to Gilgit, had openly told the Chief Minister that they will establish Pakistan in Gilgit if the State opted for India and that Muslim officers of the State, posted in Gilgit, were very keen to establish Pakistan. They joined hands with the British officers for the purpose."

106. The other relevant authority on the point is Colonel (Rtd) Mirza Hassan Khan, who recorded his own memoirs in the name of "Story of Freedom Movement". In his memoirs, Colonel Mirza Hassan Khan disclosed the details of the revolution in Gilgit and Northern areas. He recapitulated the manner of revolution, its impact and achievements, including the tactics of overpowering and capturing

Ghansara Singh, the Governor of Gilgit, to establish a revolutionary Government.

107. We may also quote some relevant excerpts from the speeches made by Sir Muhammad Zafarullah Khan, Foreign Minister of Pakistan, in the Security Council on January 16, 1948, in its 228th meeting, as listed in the "Documents on Kashmir Problem" by M.S. Deora and R. Grover, volume 1, published in 1991, at pages 177, 208 and 217 :

"We now turn to the State of Kashmir itself. This State was purchased by the great-grandfather of the present Ruler of Kashmir from the British East India Company in 1846 for 7,500,000 rupees. Roughly, this is less than \$2,500,000.

The population of Kashmir is distributed communally as follows : In Kashmir proper, apart from Jammu, 93.5 per cent are Muslims, 62 per cent of the population of Jammu are Muslims. In the combined Jammu and Kashmir State, 78 per cent are Muslims. The total population is approximately 4,000,000.

Gilgit, which is the high mountain region in the Northwest, a part of which borders on the USSR, is entirely Muslim. The total area of the State, which is largely composed of high mountains and barren hills, is 82,000 square miles. The region is famous for its beauty. The people of this State are similarly famous. Their high artistic talents are well known. What is not fully known is the depths of misery to which they have been reduced by a century of unmitigated tyranny and oppression under Dogra rule until it is difficult to say which is the greater tragedy to a Kashmiri: his life or his death. Death often provides release from the unbroken chain of suffering, misery and privation which begins in the cradle and ends only in the grave." (Page 177)

"The two Governors-General met at Lahore and had a long discussion on 1 November. The upshot of the discussion was that the Governor General of Pakistan made the following proposals to the Governor-General of India for the acceptance of the Indian Dominion :

1. To put an immediate stop to fighting, the two Governors-General should be authorised and vested with full powers by both Dominion Governments to issue a proclamation forthwith, giving forty-eight hours' notice to the two opposing forces to cease fire. *The Governor General of Pakistan has no control over the forces of the Provisional Government of Kashmir* or the tribesmen engaged in the fighting, but he will warn them in the clearest terms that if they do not obey the order to cease fire immediately, the forces on both Dominions will make war on them." (Page 208)

"It is not the so called raiders, but the people of Kashmir, who are fighting against heavy odds to end Dogra tyranny and to prevent Kashmir from falling into the hands of the Indian Dominion.

The Azad Kashmir forces are almost wholly composed of the sons of the soil, and even foreign observers have testified that, wherever they have gone, they have been welcomed as forces of liberation."

We are avoiding, for the purpose of brevity, to quote other sources as, in our estimation, the aforesaid leading authorities provide ample proof in their analysis, to hold that the Northern Areas were liberated by the people of the State.

108. The other condition pertains to the administration of the Government. Reference to the word "Government" in the definition, obviously pertains to the Azad Government. The Azad Government has been defined, as noticed elsewhere, as the Government of the State of Jammu and

Kashmir. Therefore, the area of jurisdiction of the Government spreads throughout the State. Such a definition has been rightly assigned keeping in view the objectives of the Liberation Movement and its ultimate end, as noticed in the first declaration made by it.

109. The word "administration" is quite relevant in this context. Its meaning and scope are, therefore, to be construed in its dictionary meaning. In Black's Law Dictionary, the word "administration" has been defined as :

"Management or conduct of office or employment; the performance of the executive duties of an institution, business or the like. In public law, the administration of government means the practical management and direction of the executive department, or of the public machinery or functions, or of the operations of the various organs or agencies."

The spirit of meaning of the word "administration" extends to performance of executive duties of the Government. The executive functions of the Government are, next, to be examined from the provisions of the Constitution itself. Section 19 of the Act envisages the extent of executive authority of the Government. It is reproduced:

19. Extent of executive authority of Government.

- (1) Subject to this Act, the executive authority of the Government shall extend to the matters with respect to which the Assembly has power to make laws.
- (2) The executive authority of the Government shall be so exercised as :
 - (a) not to impede or prejudice the responsibilities of the government of Pakistan in relation to the matters specified in Sub-Section (3) of section 31; and

(b) to secure compliance with the laws made by the Council.

- (3) Notwithstanding anything contained in this Act, the Government may, with the consent of the Council, entrust, either conditionally or unconditionally, to the Council, or to its officers functions in relation to any matter to which the executive authority of the Government extends."

It is evident that the executive authority of the Government envelops all matters with respect to which the Assembly has power to make laws. It is also assigned the responsibility to ensure compliance with the laws made by the Council. In other words, the executive authority of the Government extends to all subjects in respect of which the Assembly has power to make laws and the Council also makes laws in exercise of its jurisdiction. This takes us further to the legislative authority of the Assembly.

110. Section 31 of the Act deals with legislative powers of the Assembly and the Council. It provides that both the Council and the Assembly shall have power to make laws :

- (a) *for the territories of Azad Jammu and Kashmir ;*
- (b) *for all State Subjects* wherever they may be; and
- (c) for all officers of the Council or, as the case may be, the government wherever they may be.

Under sub-section (2), clause (b), the Assembly has the power to make laws with respect to any matter not enumerated in the Council's Legislative List. Under the provisions of subsection (1) (b) and subsection (2)(b), the powers of the Assembly to make laws travel beyond the horizons of Azad Jammu and Kashmir. As a matter of fact, the Assembly has been empowered to make laws for all State Subjects, irrespective of their place of destination, and all residuary matters which have not been included in the

Legislative List of the Council. In other words, the executive authority of the Government extends not only within the limits of Azad Jammu and Kashmir but to all such places and areas where the State Subjects reside, work for their earnings or carry their profession and business.

111. The term "State Subject" has been defined under Section 2. It means :

"A person for the time being residing in Azad Jammu and Kashmir or Pakistan who is a 'State Subject' as defined in the late Government of the State of Jammu and Kashmir Notification No. IL/84, dated the 20th April, 1927, as amended from time to time."

In the Notification, the term "State Subject" has been defined as :

"THE STATE SUBJECT DEFINITION NOTIFICATION, DATED, THE 20TH APRIL, 1927.

No. I-L/84. The following definition of the term "State Subject" has been sanctioned by His Highness the Maharaja Bahadur (vide Private Secretary's letter No. 2354, dated, the 31st January, 1927, to the Revenue Member of Council) and is hereby promulgated for general information :

The term "State Subject" means and includes :

CLASS I. All persons born and residing within the State before the commencement of the reign of His Highness the late Maharaja Gulab Singh Sahib Bahadur, and also persons who settled therein before the commencement of Samvat year 1942, and have since permanently residing therein.

CLASS II. All persons other than those belonging to Class I who settled within the State before the close of Samvat year 1968, and have since permanently resided and acquired immovable property therein.

CLASS III. All persons, other than those belonging to Classes I and II permanently residing within the State, who have acquired under a rayatnama any immovable property therein or who may hereafter acquire such property under an ijazatnama and may execute a rayatnama after ten years' continuous residence therein.

CLASS IV. Companies which have been registered as such within the State and which, being companies in which the Government are financially interested or as to the economic benefit to the State or to the financial stability of which the Government are satisfied, have by a special order of His Highness been declared to be State Subjects.

NOTE I. In matter of grants of State Scholarships, State lands for agricultural and house building purposes and recruitment to State Service, State Subjects of Class I should receive preference over other classes and those of Class II over Class III, subject, however, to the order dated 31st January 1927, of His Highness the Maharaja Bahadur regarding employment of hereditary State Subjects in Government service.

NOTE II. The descendants of the persons who have secured the status of any Class of the State Subjects will be entitled to become the State Subjects of the same class. For example if A is declared a State Subject of Class II his sons and grandsons will ipso facto acquire the status of the same Class (II) and not of Class I.

NOTE III. The wife or a widow of a State Subject of any Class shall acquire the status of her husband as State Subject of the same Class as her husband, so long as she resides in the State and does not leave the State for permanent residence outside the State.

NOTE IV. For the purpose of the interpretation of the term 'State Subject' either with reference to any

law for the time being in force or otherwise, the definition given in this Notification as amended up to date shall be read as if such amended definition existed in this Notification as originally issued."

It is evident from the aforesaid definition of the term "State Subject" that all persons who were born within the State before the reign of Maharaja Gulab Singh and those who settled therein before 1942 and resided permanently, were State Subjects of Class I. Those who settled in the State before the close of 1968 Bikrami and resided permanently, on acquisition of immovable property, enjoyed the status of State Subjects of Class II. All those who acquired immovable property under a rayatnama or ijazatnama and resided in the State continuously, were placed in Class III as State Subjects. Class IV pertains to registered companies in the State.

112. It is undenied that at present or at the time of promulgation of the Interim Constitution Act, 1974, the Azad Government was not exercising administrative control over the Northern Areas, but the fact remains that the Northern Areas, immediately after liberation, were linked with the rest of the liberated territories. In view of communication difficulties and limited sources, the administrative control was delivered to the Pakistan Government. The Pakistan Government having no legitimate sanction to hold the administration, felt advised to secure such sanction from the legitimate authorities in Azad Kashmir. It appears that, in such situation, it was deemed expedient to execute an agreement between both the Governments to legitimize the administrative control. Thus, the impugned agreement of April 28, 1949 was secured to rectify the doubtful legitimacy of administrative control. Be that as it may, the fact remains that the natives of the Northern Areas being State Subjects, both the Assembly and the Council were eligible to make laws in respect of them in exercise of their powers under Section 31(1)(b) and the executive authority of the Govern-

ment, as noticed under the provisions of Section 19, equally extended to those areas. Thus, the scheme of law introduced under the Interim Constitution Act covered the administrative jurisdiction of the Government in respect of the Northern Areas. In this view of the matter, the jurisdiction of this Court, as noticed in Section 44 (2) (a) (i), (b) (ii) and (c), squarely extended to the Northern Areas.

It is evident from the aforesaid provisions that the Legislative Assembly has been defined as the Legislature of Azad Jammu and Kashmir. In its literal sense, by accepting the contention of the learned Deputy Attorney General, representing the Government of Pakistan, the representation in the Assembly has to confine to the liberated territories under the effective administrative control of the Government. In other words, literally, the extent of territories under the effective control of the Government may be the five districts (Muzaffarabad, Bagh, Poonch, Kotli and Mirpur). It is undenied that the Assembly represents whole of the State, including liberated territories (excluding Northern Areas). Representation to the Indian occupied part of the State has been provided through the refugees from the Provinces of Kashmir, Jammu and other areas, settled in Pakistan. Six members are elected from amongst the refugees from Kashmir Province and six from Jammu and other areas from amongst the refugees, settled in Pakistan. The constitution of the Assembly, *prima facie*, corresponds to the jurisdiction of this Court, as enunciated elsewhere.

121. It is noticeable that one of the members of the Assembly represents the State Subjects residing abroad, (outside Pakistan) throughout the world. It is undenied that such a member has been elected twice from the State Subjects residing in the United Kingdom. The present Assembly is also represented by a member who resides and carries on business in the United Kingdom.

122. By accepting a narrow and rigid meaning of the term "Azad Jammu and Kashmir", the structure of the Assembly raised at the time of enforcement of the surveil-

lance of the Commission, over the territory evacuated by the Pakistani troops, pending a final solution of the Kashmir problem. Three things emerge from the language used by the Commission, as it refers to :

- i) The territory evacuated by the Pakistani troops:
- ii) its administration by the local authorities; and
- iii) under the surveillance of the Commission.

Reference to "evacuated territory" obviously means the territories of the liberated parts of the State of Jammu and Kashmir. This is supported by reference to evacuation by the Pakistani troops. Therefore, no doubt can be entertained with respect to identification of the evacuated territory.

Clause (3) of Part II, 'A', refers to "local authorities". This reference is obviously to the Azad Government and its administrative structure. The status of Azad Government has remained under controversy for the last 43 years, at different levels. One view is that the term "local authorities" refers to the provisional Government of the State of Jammu and Kashmir, in the light of its declaration made on its reconstitution on October 24, 1947. The counter view is that the use of the term "local authorities" has reduced the status of the Azad Government to that of a Municipal Committee. Both the views, *prima facie*, find support from the structure and status of the Government with reference to exercise of its executive authority and in the light of the ordinary meaning of the term "local authorities". It may not be out of place to refer here that the nomenclature and infra structure of the Azad Government was made and raised during the life time of the founder of Pakistan, Qaid-e-Azam Muhammad Ali Jinnah and under the supervision of the Prime Minister, (late) Liaquat Ali Khan. The Government was headed by the President with a Council of Ministers, including the Defence Minister. In addition to its executive duty, it controlled and supervised the Azad Kashmir Regular Forces comprising 35

regiments or more. It was in this view of the matter that Governor General of Pakistan (Quaid-e-Azam), in his first conference with the Governor General of India, on November 1, 1947 at Lahore, clearly accepted that he had "no control over the forces of the provisional Government of Kashmir". The Foreign Minister of Pakistan, while addressing the Security Council, on January 17, 1948, by reference to the fighting forces against the Indian and Dogra army in the State, highlighted that :

"The people of Kashmir were fighting against heavy odds to end Dogra tyranny and to prevent Kashmir from falling into the hands of the Indian Dominion. The Azad Kashmir Forces were almost wholly composed of the sons of the soil and even foreign observers testified that wherever they went, they had been welcomed as forces of liberation."

The aforesaid position raised the status of the Government as a de facto Government for the whole of State and not an ordinary local authority of the status of Municipal Committee, as presented by the counter view. It appears that the Government of Pakistan was equally anxious over the use of the words "administration by local authorities" in the liberated territory. It felt constrained to refer the matter to the members of the Commission for clarification. Thus, reference was made to the United Nations Commission for India and Pakistan. It was answered in positive manner, in a meeting held on September 2, 1948. Mr. Josef Korbel, a senior member of the Commission., who spoke for other members, elaborated the meaning of the term "local authorities" as :

- i) "By local authorities" we mean the Azad Kashmir people, though we cannot grant recognition to the Azad Kashmir Government."
- ii) "We have gone so far as we could to meet the point of view of the Azad Kashmir people. We have tried to deal with the de facto situation. But we cannot

lose sight of the fact that the *State of Jammu and Kashmir still exists as a legal entity. We have to respect its sovereignty."*

It was further added :

"We agree that there will be no change in the existing administration of Gilgit."

129. The Government of Pakistan issued a press communique on January 16, 1949 in respect of the clarification sought from the Commission relating to various phraseologies used in the resolution of August 13, 1948. It is reproduced :

- ii) The Commission further explained in its letter of 19th September, 1948, that *the area in the occupation of forces under the overall control of the Pakistan High Command would remain in the occupation of the Azad Kashmir Forces.* The Commission stated categorically that its Resolution of 13th August "does not contemplate the disarmament or disbanding of the Azad Kashmir Forces."
- iv) Pending a final solution, the *territory evacuated by the Pakistan troops would be administered by the "local authorities" under the surveillance of the Commission.* It was explained by the Commission that the term, "local authorities" meant the "Azad Kashmir Government" although the Commission could not and did not accord recognition to that Government. It was further explained that "surveillance" did not mean actual control or supervision, and that the Commission's sole aim would be to ensure that the "local authorities" did not violate the ceasefire and truce agreements. The Commission also explained that it did not contemplate *surveillance of the Gilgit*

Administration which was temporarily in charge of a Political Agent of the Pakistan Government. The Commission also made it clear that the Maharaja's Government would not, under any circumstances, be permitted to interfere with or to send any military or civil officials to the territory under the control of the "local authorities".

- v) The Government of India undertook to ensure that the Government of State of Jammu and Kashmir would make known that peace, law and order would be safeguarded, and that *all human and political rights would be guaranteed*. The Commission expected that *similar action would be taken by the "local authorities" in the area evacuated by Pakistan troops*.

It is manifest from the explanations advanced by the members of the United Nations Commission for India and Pakistan, that the term "local authorities" was used deliberately to acknowledge de facto status of provisional Government of the State of Jammu and Kashmir. The Azad Government, according to the resolution, was accepted as the lawful authority to administer the liberated territories. Thus, the authority and right to hold the administrative control of the liberated territories on this side of the ceasefire line fully vested in the Azad Government and none else. The resolution was accepted both by India and Pakistan in addition to other members of the Security Council. Therefore, it is an internationally acknowledged position that the liberated territories have to be governed by the Azad Government till the final solution of Kashmir issue.

130. The term "evacuated territory" was also construed by the Commission in its explanation sought by the Government of Pakistan, on September 2, 1948. The clarification was given as :

"The term "evacuated territory" means the area which is under the control of Pakistan High

Command, including for this purpose the Pakistan Army, the Azad Kashmir Forces and tribesmen."

131. It is of interest to note that on the situation emerging on the evacuation of Pakistan troops from the liberated territories a very material question arose in respect of maintenance of law and order. Such question attained importance as in the other part of the resolution, pertaining to withdrawal of Indian army, it was postulated that the Indian Government agreed to withdraw the bulk of its forces from the State. By reference to "withdrawal of bulk" of forces, it was explained that a minimum strength of Indian forces would be retained in the State to look after law and order. As a counter measure, on this side of the ceasefire line, Azad Forces were to stay intact to assist in maintenance of law and order by the Azad Government. An explanation was sought from the Commission with respect to the maintenance of Azad Kashmir Forces. In meeting held on August 31, 1948, Mr. Josef Korbel explained :

"The Commission has made no demand either for the disarming or the withdrawal of the Azad Forces."

This position was reiterated in paragraph 2 (C) of the letter of the Commission addressed on September 19, 1948. It was explained :

"The resolution does not contemplate the disarmament or disbanding of the Azad Kashmir Forces."

132. The clear legal position which emerge from the aforesaid exposition is :

- i) Azad Kashmir Government enjoys a de facto status in the United Nations :
- ii) Authority of the Government to administer the liberated territories has been acknowledged; and
- iii) Azad Kashmir Forces were to stay.

133. The interpretation of the term "Azad Jammu and

Kashmir", when examined in the light of the scheme of the Interim Constitution Act, keeping in view the historical background of liberation movement, the Kashmir dispute on the floor of the United Nations and settlement of the dispute through a free and impartial plebiscite under the United Nations' auspices, as agreed in the United Nations resolutions, it has to be accepted that the extent of administrative control of the Government spreaded over all the liberated territories, inclusive of the Northern Areas of the State. Likewise the jurisdiction of this Court extend to all the liberated territories which formed part of the State of Jammu and Kashmir, all State Subjects wherever they may be, and all persons performing functions in connection with the affairs of the State (inclusive of Azad Jammu and Kashmir)

134. It is a celebrated rule of interpretation of Constitution or a statute that when the meanings of a word or term are not clear enough and are not found in consonance with the scheme of the Constitution or the statute, or are otherwise found in conflict when used in the same meaning and context in other parts of the statute, in such situation, the word "and" used in a particular context was likely to be substituted and read as "or" and vice versa. This was deemed essential for harmonious meaning of the term or phrase, as the case may be and in order to save rather than to destroy the provisions of the statute. Both the words "and" and "or" are used interchangeable, so as to advance the purpose and objective of the provisions of the statute. This view finds ample support from Crawford's Interpretation of Statutes. At pages 3223 it is postulated as:

"In ordinary use the word "or" is a disjunctive that marks an alternative which generally corresponds to the word "either". In face of this meaning however the word 'or' and the word "and" are often used interchangeable. As a result of this common and careless use of the two words in legislation, there are occasions when the court, through

construction, may change one to the other. This cannot be done if the statute's meaning is clear or if the alteration operates to change the meaning of the law. It is proper only in order to more accurately express, or to carry out the obvious intent of the legislature, when the statute itself furnishes cogent proof of the error of the legislature, and especially where it will avoid absurd or impossible consequences, or operate to harmonise the statute and give effect to all of its provisions

Following the aforesaid rule of interpretation in order to attain objective significance of the word "and" used in the definition of the term "Azad Jammu and Kashmir", it is permissible to construe the word "and" as "or". Such an approach is compatible with both, (i) the literal and (ii) the liberal approach of interpretation of Constitution, as it is not a static but organic in nature. This leads to the effect that it is permissible to read the word "and" as "or". The definition of the term "Azad Jammu and Kashmir" has to be read as *"the territories which have been liberated by the people of that State or are for the time being under the administration of government."* Such an interpretation obviously suits to the scheme of the Constitution. The phraseology "are for the time being under the administration of Government" is to be construed disjunctively and not conjunctively.

135. The aforesaid analysis of the proposition relating to territorial jurisdiction of this Court, as conceived within the framework of the Interim Constitution Act, coupled with the acknowledged de facto status of Azad Government in the Act and international forum, leads to the conclusions :

- i) that this Court has been conferred jurisdiction by the Act for Azad Jammu and Kashmir and beyond, to the extent and in connection with the affairs of the State (Jammu and Kashmir);
- ii) in relation to all State Subjects, wherever they may be; and

- iii) to enforce Fundamental Rights conferred by the Act.

136. The proposition relating to administrative control of the Azad Government received attention of this Court in Brigadier (Rtd) Muhammad Aslam Khan's case, decided by Mr. Justice Sardar Muhammad Sharif Khan, in Civil Arbitration No. 1, 2, 3, 4A of 1967, on March 20, 1976. The leading facts of that case were that Brigadier (Rtd) Muhammad Aslam Khan secured lease of forest compartments falling on the Indian side of the Ceasefire Line. In view of the locality of the leased area, the matter was referred to the Government of Pakistan for its approval. It was examined by the Law Department of Pakistan and Ministry for Kashmir Affairs. On their approval, lease was granted vide agreement executed on November 13, 1963. There was a conflict on account of extraction of timber as on account of firing by the Indian army in the leased area, some workers were killed. In such situation, the Azad Government (lessor) terminated the lease unilaterally. The matter was referred to the arbitrator as agreed upon in the lease agreement.

Among others, the Government raised the objection that since the lease area was lying on the other side of the Cease-fire Line and the Government had no authority over that area, the forest standing thereon was beyond its effective control, as such the agreement was against public policy and void ab initio. The objection was repelled in the following manner :

"This is an admitted fact and there can be no denial to it by the Government that the Government has a de facto possession of the area under lease over which a portion of the timber leased is still lying and it has been fully established by production of evidence along with the production of record that the area in dispute though on the other side of the Ceasefire Line, is in effective possession of the Azad

Government of the State of Jammu and Kashmir. The administration of this Government is found exercising its full authority over the people of that area who are even subject to payment of land revenue to the administration of the Azad Government. *This Government is for the whole of the State though for the time being it is illegally deprived of a large part of the State by force, yet any area over which it can extend its control, it will be deemed that that area lies within the administrative control of the defendant-Government and as such leasing out the forest from that area under the effective control of the administration of this side, cannot be termed as an illegal act of the Government opposed to public policy. It is on record that the Forest Department as well as the Revenue Department have dealings all over the area in question across the Cease-fire Line.*

"Any part of the State which comes under the administration of this Government in any way, it will be deemed that a legal right has vested in this Government to deal with that part of the State in conduct of its business. This has been the stand of the Government itself while dealing with the Brigadier in execution of the agreement and for this point of view, even the opinion of the Law Department of the Government of Pakistan was also favourable obtained by the Government."

The Government feeling dissatisfied with the above finding of the learned Judge, preferred an Inter-Court appeal before a Division Bench of this Court. The Division Bench comprised of Mr. Justice Sardar Said Muhammad Khan J (presently Chief Justice of Azad Jammu and Kashmir) and Mr. Justice Sardar Muhammad Asharf Khan, Additional J (presently Judge of the Supreme Court). The point relating to effective control of the Government over the leased area was seriously canvassed on behalf of the Government. Mr. Justice Sardar Said Muhammad Khan, who delivered the verdict of the Court, on March 19, 1981 (in Civil Appeal No.

26/76, titled "Azad Government Vs. Brigadier Muhammad Aslam Khan", observed :

Another point urged by the learned Counsel for the appellant was that both the agreements were against public policy and as such, the agreements as well as the award were illegal. He has propounded the theory of 'Public Policy' on the ground that the area which was leased out in the instant case, was situated on the other side of the ceasefire line and there was not only an uncertainty with regard to the execution of the lease agreement but there was danger that relations between the two States would be jeopardized and even the lives of citizens of the State were at stake because the Indian forces might have launched an attack at any time, when the work of extraction of timber was carried on by the labourers in the lease area. The learned Counsel has argued that the agreement was ab initio void because the Government, the lessor, had no legal authority to control the area which was on the other side of the Cease-fire Line. *We are of the view that the Indian occupation of part of Jammu and Kashmir State against the popular will of the people of the State does not make Cease-fire Line or so-called Control Line a barrier to Azad Jammu and Kashmir Government to take any benefit from the territory.*

144. Paragraph 4 of the preamble of the Interim Constitution Act, 1974, reads:

AND WHEREAS, in the discharge of its responsibilities under the UNCIP Resolutions, the Government of Pakistan has approved of proposed repeal and reenactment of the said Azad Jammu and Kashmir Government Act, 1970, and authorised the President of Azad Jammu and Kashmir to introduce the present Bill in the

Legislative Assembly of Azad Jammu and Kashmir
for consideration and passage;"

It is manifest from the aforesaid provisions of the preamble that the Act was enforced in Azad Jammu and Kashmir by its Assembly with the approval of the Government of Pakistan. Approval of the Government of Pakistan was deemed necessary in view of its involvement in the affairs of Azad Jammu and Kashmir in the light of its responsibilities under the UNCIP Resolutions.

145. Section 31 of the Act relates to the legislative powers of the Council and the Assembly. Subsection (3) envisages that neither the Council nor the Assembly shall have the power to make any laws concerning the respective subjects described there. In it is reproduced :

"(3) Neither the Council nor the Assembly shall have the power to make any law concerning.

(a) the responsibilities of the Government of Pakistan under the UNCIP Resolutions;

(b) the defence and security of Azad Jammu and Kashmir;

(c) the current coin or the issue of any bills, notes or other currency; or

(d) the external affairs of Azad Jammu and Kashmir including foreign trade and foreign aid."

Other relevant provisions are laid down in Section 56 of the Act. These are reproduced :

"56. Act not to derogate from responsibilities of Pakistan. Nothing in this Act shall derogate from the responsibilities of the Government of Pakistan in relation to the matters specified in subsection (3) of Section 31 or prevent the Government of Pakistan from taking such action as it may consider necessary or expedient for the effective discharge of those responsibilities."

III. *Division of functions between the Government of Pakistan, the Azad Kashmir Government and the Muslim Conference.*

A. MATTERS WITHIN THE PURVIEW OF PAKISTAN GOVERNMENT.

- i) Defence. (Complete control over A.K. Forces).
- ii) Negotiations with U.N.C.I.P.
- iii) Foreign Policy of A.K. Government.
- iv) Publicity in Pakistan and foreign countries.
- v) Coordination of arrangements for relief and rehabilitation of refugees.
- vi) Coordination of publicity and all arrangements in connection with the plebiscite.
- vii) All activities within Pakistan itself with regard to Kashmir such as procurement of food and civil supplies transport, running of refugee camps, medical arrangements etc.
- viii) All affairs of the Gilgit and Ladakh areas under the control of Political Agent at Gilgit.

B. MATTERS WITHIN THE PURVIEW OF A.K. GOVERNMENT.

Policy with regard to administration in Azad Kashmir.

General supervision of administration in Azad Kashmir.

Publicity with regard to activities of the A.K. Government and its administration.

Advise to H.M. without Portfolio with regard to negotiations with U.N.C.I.P.

Development of economic resources of A.K. area.

C. MATTERS WITHIN THE PURVIEW OF MUSLIM CONFERENCE.

Publicity with regard to plebiscite in A.K. area.

- (i) Field work and publicity in the Indian occupied area of the State.
- (ii) Organisation of political activities in the A.K. and the Indian occupied areas of the State.
- (iii) Preliminary arrangements in connection with plebiscite.
- (iv) Organisation for contesting the plebiscite.
- (v) Political work and publicity among Kashmir refugees in Pakistan.
- (vi) General guidance of the A.K. Government.
- (vii) Advice to H.M. without portfolio with regard to negotiations with U.N.C.I.P.

Sd/
(Mohammad Ibrahim)
President, Azad Kashmir
Govt. concerns

I agree to this in so
far as this the
sphere of activities
of the M.C.'
Sd/
(Ghulam Abbas)
President All
Jammu and
Kashmir Muslim
Conference.

Sd/
(M.A. Gurmani)
Minister without
Portfolio, Govt. of
Pakistan.,

It is evident from the provisions of the agreement that various administrative and political functions concerning the liberated territories of the State, the liberation movement and Kashmir dispute in the United Nations, were bifurcated and assigned to different authorities, privy to the arrangements settled in the agreement. The Azad Kashmir Government was assigned primarily the responsibility and functions of supervising the administration in Azad Kashmir area. The first part contained various subjects, described therein, which were entrusted to Azad Kashmir Government.

The second part, postulated in Part III, was relevant as by virtue of that part of the agreement, the sphere of administrative jurisdiction was divided among the component parties to the agreement. The matters assigned to the Government of Pakistan were listed under caption 'A'. These subjects were eight in number. It contained the responsibilities of the Government of Pakistan in respect of all affairs of Gilgit and Ladakh, the area, at the relevant time, under the control of Political Agent at Gilgit.

152. The aforesaid arrangement was accepted as a matter of policy, by the parties, in view of the situation of Kashmir dispute, the tempo of liberation movement and the importance of administration in the liberated territories. This policy continued till 1970, when an Act of the Government was enforced on September 5, 1970. Prior to the aforesaid Act, the administrative business of Azad Kashmir was carried through the Rules of Business enforced from time to time. The first Rules of Business, available on record, were enforced on December 28, 1950.

153. By virtue of these rules, the administration of Azad Government was regulated, classified and distributed among various heads of Departments of the Government, including the appointment of President, Ministers, Civil Servants etc. The head of the Government was the Supreme Head who was empowered to nominate the President and the Council of Ministers. The President and Council of Ministers were collectively responsible to the Supreme Head. The legislative authority vested in the Council but no law was framed and enforced unless it received the assent of the Supreme Head. The legislation emanated either from a Minister, Chief Administrative Adviser or heads of Departments. It was examined by the Secretary General and Legislative Department and was sent, for its approval to the Supreme Head.

Petitioners have challenged the propriety of the authority administering the Northern Areas, in addition to

their complaint of depriving them of fundamental rights, representation in the Government and other national institutions for the last 45 years, the proposition raised in the petition squarely bring the case of the petitioners within the scope of the provisions of Section 44.

189. Respondent No. 1. in its written statement, has failed to explain as to why the residents of the Northern Areas were not integrated with Pakistan or with rest of the liberated territories of Azad Jammu and Kashmir. No reason has been given for failure to provide Fundamental Rights and representation to these people for the last 45 years. In absence of any positive explanation, it is permissible to assume that in view of the proximity of international boundaries of former Soviet Socialist Republic, Afghanistan and China, these areas were considered sensitive from the defence point of view. In view of its exceptional geographical location and proximity of the countries of immense supremacy, it was deemed in the national interest to avoid disturbance of status quo. Otherwise, we are not in possession of any reasonable and just cause for denying the basic rights, including the right of representation, to these people. The international scenario has been changed in the last couple of years. The Russian aggression in Afghanistan has been repulsed and Afghanistan is blessed with its independent sovereign status. The former Soviet Socialist Republic has been split and disintegrated into various States. The neighbouring States of Central Asia have assumed their independence. Their status as such, has been acknowledged internationally, as they have become members of the United Nations. Likewise, signing of Sino-Pak Border Treaty between China and Pakistan has also dispersed the apprehension of political intervention in the Northern Areas. Therefore, *under the present conditions, it is no more a sensitive region from the defence point of view. Its position is identical to the rest of Azad Jammu and Kashmir.* At this stage, if there is any apprehension of threat of aggression, it is only from across the Cease-fire Line and

that is common and identical to all the liberated territories. The responsibility of defence and security of Azad Jammu and Kashmir and Northern Areas equally rest on the shoulders of Pakistan Defence Forces. Therefore, in absence of any marginal sensitive position of either of the area from the defence point of view, there is least justification to keep the people of Northern Areas deprived of their basic rights and detached from the main stream.

Next, we pass on to the provisions of Section 4 of the Interim Constitution Act.

190. Section 4 relate to Fundamental Rights, Subsection (1) postulates that any law or any custom and usage having the force of law, in so far as it is inconsistent with the rights conferred by this Section, shall, to the extent of such inconsistency, be void. Subsection (2) further provide that no law shall be made which takes away or abridges the rights so conferred and any law made in contravention of this subsection shall, to the extent of such contravention, be void. That brings to the conclusion that :

- i) the existing laws or custom or usage having the force of law, in so far as they were inconsistent with the rights conferred under Section 4 (4), to that extent, were void; and
- vii) that detachment of Northern Areas from the rest of Azad Jammu and Kashmir tantamount to violation of the Resolutions of the Security Council of March 30, 1951 and January 24, 1957;
- viii) that the Azad Government represented the whole of the State of Jammu and Kashmir. Its such status (de facto) has been acknowledged by the United Nations;
- ix) that the jurisdiction of High Court extends to all matters relevant to the affairs of Azad Jammu and Kashmir, and the State as a whole in respect of all

State Subjects, wherever they may be;

- x) that in view of the scheme of the Interim Constitution Act, the resolutions of the Security Council and the United Nations Commission for India and Pakistan, and the responsibilities assigned to and accepted by the Government of Pakistan, in connection with the defence and security of Azad Jammu and Kashmir (including Northern Areas), reflect that the Government of Pakistan is amenable to the jurisdiction of this Court; and
- xi) that the State Subjects residing in the Northern Areas have been deprived of the benefits of fundamental rights, enshrined in the Interim Constitution Act, during past, without lawful authority. These rights are admissible and exercisable by them in the manner and style as they are being enjoyed by their compatriots in Azad Kashmir.

94. The conclusions listed in (i), (ii), (iii), (iv) and (v) of the preceding paragraph, find no answer in the written statement of respondent No. 1 In paragraph 9 of written statement, it is admitted as true that the Northern Areas do not form part of the territories of Pakistan as defined in the Constitution of 1973. However, it is explained on account of that omission, it may not be concluded that the said areas are part of the territories of Azad Jammu and Kashmir. The explanation is self-contradictory when it is accepted that these areas are not part of Pakistan, then it does not lie in the mouth of the respondent to deny the geographical status of the areas for their being part of the liberated areas of the State. Be that as it may, the fact remains that these areas are admittedly not part of Pakistan. Likewise, the respondent has failed to explain as to why the residents of these areas may be kept deprived of the benefits of fundamental rights, civil liberties and right of their representation in the Government and other national institutions. In absence of an

express answer to the averment it has to be believed that the respondent has impliedly admitted the claim of the petitioners in that respect.

202. It is, therefore, not right to suggest that no declaration and direction in the shape of quo warranto may be made against the Government of Pakistan. All that is required is the satisfaction of legitimate authority to do an act, in accordance with law.

203. The State of Jammu and Kashmir is presently divided by the CeaseFire Line. It is well acknowledged that the sovereignty of the State vest in the State Subjects, who unequivocally uphold and respect the entity of the State. They are engaged in earnest pursuit of freedom from the obdurate, aggressive Indian Union. The cherished goal of their liberty is, *prima facie*, to be attained through the acknowledged democratic method of fair and free plebiscite, under the auspices of the United Nations. Until the status of the State is determined, in order to run the administration of liberated territories, Interim Constitution Act, 1974, with approval, has been enforced. All the authorities entrusted with different assignments and functions are enjoined to act in complicity with the provisions of the Act. We have recapitulated the detailed history of the Northern Areas, their legal status and the circumstances surrounding the present position. *We therefore, hold that no legitimate cause has been shown by the respondents No. 1 and 2 to keep the Northern Areas and their residents (State Subjects) detached from Azad Jammu and Kashmir, under separate and arbitrary administrative system and deprive them of fundamental rights.*

204. We accordingly accept the petition and direct

- i) (a) the Azad Government to immediately assume the administrative control of the Northern Areas and to annex it with the administration of Azad Jammu and Kashmir;

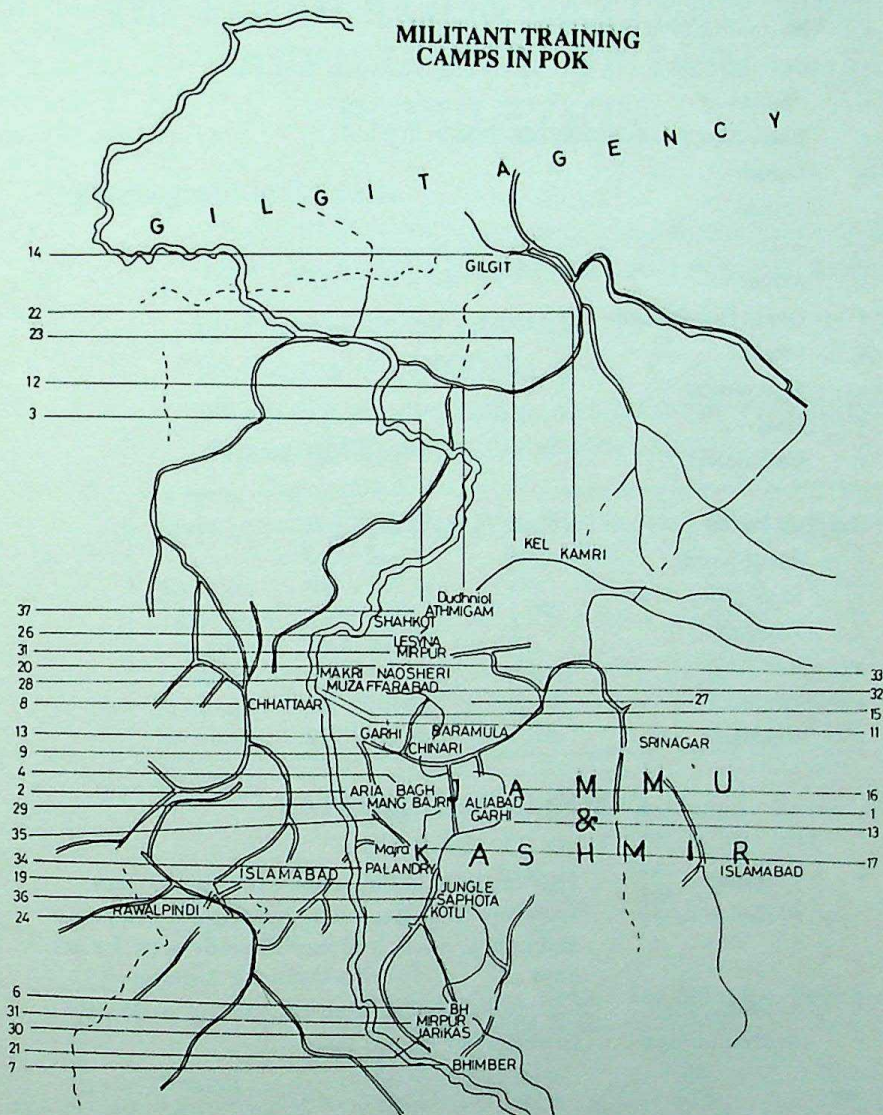
- (b) the Government of Pakistan to provide an adequate assistance and facility to the Azad Government in attainment of the said objective.
- ii) the residents (State Subjects) of the Northern Areas shall enjoy the benefit of the fundamental rights conferred by the Act. 1974. They shall be provided representation in:
 - i) the Government :
 - ii) the Assembly :
 - iii) the Council :
 - iv) the Civil Services : and
 - v) other national institutions, in due course of law.
- iii) Azad Government shall take steps to establish administrative and judicial set up in the Northern Areas within the framework of the Interim Constitution Act.

APPENDIX 'B'

KNOWN TRAINING CAMPS FOR KASHMIRI MILITANTS IN POK

POK

- Allabad
- Arza
- Athmugam
- Bagh
- Betal Pul
- Bhatapora
- Bhimber
- Chhattar
- Chinari
- Dhani
- Domel
- Garhi
- Gilgit
- Gojra Fort
- Haji Pir
- Hajira
- Hallan Shumali
- Hollapd Jungle
- Jabri
- Jari Khas
- Kamri
- Kel
- Kotli
- Lahabad Pur
- Leswa
- Lipa
- Makri
- Mang Bajri
- Mangla
- Mirpur
- Muzzaffarabad (Match Factory)
and Sharkot Lines
- Nausheri
- Palandri
- Rawalkot
- Saphota
- Shahkot
- Shardi



LIST OF NEW TRAINING CAMPS AND FORWARD STAGING CAMPS IN PAKISTAN & POK

Training camps

- Muzaffarabad (10 Camps)
- Garhi Dupatta
- Peshawar
- Ilaqa Gair (on Pakistan Afganistan border)
- Gund
- Khost
- Kotli
- Attock
- Garhi Habibullah
- Mirpur
- Abbotabad
- Bagh
- Rawalakot

Staging Posts

- Khojabandi
- Lipa valley
- Dudhnial
- Kel
- Tejtian
- Nekrun

CAMPS IN AFGHANISTAN

- | | |
|-----------------|---|
| • Al Badar | Training in handling small arms for 45 days. |
| • Al Badar II | Training in automatic weapons, mortars ambushes, raids and explosive devices for 30 days. |
| • Al Badar III | Commando and specialised training for 60 days. |
| • 8 other camps | Location not known |

APPENDIX 'C'

ANALYSIS OF MILITANCY BASED ON POPULATION PATTERN AND AFFILIATION OF THE POPULATION

Demographic Pattern

The total Muslim population of Kashmir valley is 30 above lakhs. The breakdown being approximately:

(a) Shias — below 1,00000

(b) Sunnis — 29,00000.

There are six districts in the Kashmir valley, their demographic pattern is shown below :

Dist	Muslims Shias/ Sunnis	Hindus (before Migration)	Sikhs	Others
Kupwara	NK 97.5%	2%	0.4%	0.1%
Baramulla	11% 87%	1.5%	0.3%	0.2%
Srinagar	26% 64.5%	8%	1.4%	0.1%
Budgam	32% 54.5%	2.8%	0.6%	0.1%
Pulwama	NK 95%	2.5%	1.6%	0.9%
Anantnag	NK 95.6%	3.8%	0.5%	0.1%

Age Structure

	ANE* Below 20 Yrs.	Between 21 to 25 Yrs.	Between 26 to 35 Yrs.	Above 35 years
Fully Trained	40%	47%	12%	1%
Partly Trained	28%	31%	27%	14%

Economic Background

	Rs. 500 — Rs. 1000	Rs. 1000 to Rs. 2000	Rs. 2000 & Above	Depen- dent
Trained	68%	11%	2%	19%
Partly Trained	52%	21%	11%	16%

Education Factor

	Illiterates	Under Matric	Under Graduate	Graduate and above
Trained	21%	44%	29%	6%
Untrained	22%	40%	25%	13%

* ANE - Anti National Element

Professions

	Labou rers	Petty Traders	Students	Agricul- turists	Govt. Servants
Trained	42%	14%	19%	22%	3%
Partly Untrained	25%	18%	17%	21%	19%

Motivational Factors

Under Duress	-	35%
Persuasion	-	28%
Allurement	-	22%
Ideology	-	16%
Other reasons	-	9%

CONCLUSIONS

- Statistics indicate that fundamentalism is the main motivating factor for militancy.
- Due to overwhelming Muslim majority in all areas, there can be no resistance move from the minority communities.
- 87% of the trained militants are below the age group of 25 years.
- Both the trained and partly trained militants are either illiterate or under matric.
- Most of the trained and partly trained militants belong to the weaker sections of society.
- Only about 16% of the total population is supporting militancy on ideological grounds. 1/3rd of the militants are being coerced to join the ranks of militancy.

MAJOR MILITANTS ORGANISATIONS AND THEIR AREAS OF INFLUENCE

Kupwara Dist	- JKHM, Al-Barq and JKLF
Baramulla Dist	- Al Jihad, IUM, JKLF and JKHM
Srinagar Dist	- Al Umar, JKLF, JKHM, Al Jihad and IUM
Budgam Dist	- JKHM, JKLF and IUM
Pulwama Dist	- IUM, JKHM and JKLF
Anantnag Dist	- JKLF, Al Jihad, JKHM

(NOTE : quantification of various outfits is difficult to assess).

-
- * 1. JKHM - Jammu and Kashmir Hizbul Mujahidin
 - 2. JKLH - Jammu and Kashmir Liberation Front
 - 3. IUM - Ikhan-ul-Muslimeen.

OTHER MILITANT OUTFITS ACTIVE IN J&K

People's League
Hizbullah, Hizb-Islam, Hizb-ul-Jehad
Harkat-i-Mujahidin
Zia Missionary Force, Tehrik-a-Islami
Al Karbala, Al Khomeni
Operation Bala Kote, Mehaz-e-Azadi
Dukhtran-e-Millat (Women's Organisation)
Muslim Gurrilla Tigers
Zarb-i-Kaleem
Islamic Students League

GENERAL PATTERN OF MILITANT ACTIVITIES

Initially the activities of militants centred around urban areas. Subsequently due to greater deployment and superiority of Security Forces, the anti-national elements were forced to move to rural areas. With the Security Forces enlarging their area of operations to rural areas, the militant activity has shifted back to urban areas.

At no one point of time, the anti-national element activities have been carried out throughout the valley. These have been confined to penny pockets. This has been done with an aim to divert the attention of Security Forces and to release pressure on the anti-national elements operating in particular areas.

PRESENT SITUATION

- Due to the above reasons, militants have not been able to keep their arms caches at chosen places as they are on the run.
- The core leaders of militant outfits have been unable to provide effective leadership or evade the army dragnet easily.
- This has resulted in anti-national elements putting

up disjointed operations against the Security Forces.

- The ground realities indicate that the rural population is pro-independence, whereas, the urbanities favour accession to Pakistan.
- Locals of Gurez and Tangdhar valleys have remained neutral.
- Areas of Sopore, Kupwara, Baramulla have served as staging centres for infiltration exfiltration and coordinating hub centres.
- The nerve centre of militancy has always been Srinagar as the majority of the militant leaders are based here.
- Significant percentage of the people in Anantnag and Badgam support militancy actively.

Isolate militancy and choke it in urban areas.

APPENDIX 'D'

**INSTRUMENT OF ACCESSION:
ARTICLE 370 AND
COMMITMENTS OF PLEBISCITE**

In 1947, the J & K state was one of 562 (or so) princely states and these were divided in three categories. There were 140 major states out of which Jammu and Kashmir was one. The rulers of the Indian states were part of the British Indian Empire which consisted of eleven provinces and the Indian princely states.

The mechanism for joining the new dominions was adopted from Government of India Act of 1935 which provided for joining India or Pakistan through an Instrument of Accession. It was not specified that the Rulers would have to take the wishes of their subjects into account before joining either of the dominions. It was under these provisions the Maharaja of Jammu and Kashmir opted for India.

The text of the Instrument of Accession executed by Maharaja Hari Singh is appended. (Appendix 'D'). The main point which should be noted however is : Through this instrument of accession, the state handed over only three major powers to the Union of India viz., Defence, External Affairs and Communication.

This format of accession was applicable to all major states and was not peculiar to J & K. The following Articles in the Instrument of Accession executed by Maharaja Hari Singh should be noted because they were special.

PARA 7 : Nothing in this instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into

arrangements with the Government of India under any such future constitution.

PARA 8 : Nothing in this instrument affects the continuance of my sovereignty in and over the state, or, save as provided by or under this instrument, the exercise of powers, authority and rights now enjoyed by me as Ruler of this state or the validity of any law at present in force in the state.

(Kashmir at this stage was governed by Jammu and Kashmir Constitution Act of 1939 and the instrument of accession was not without certain conditions which safeguarded the Maharaja's position. However, the Instrument of Accession was unconditional. Therefore it was in no way legally provisional or subject to the wishes of the people or heirs of the J & K state. There should be no question of negotiating on the validity of accession of the State to India.)

ARTICLE 370

In June 1949 J & K State like any other erstwhile princely state sent four representatives to the Constituent Assembly. However, Sheikh Abdullah made it clear that their association with India would be based on *Article 7* of the Instrument of Accession. This was accepted and thereby a special status was conceded. Article 306 A was thus adopted in the draft constitution of India which became Article 370 in the final constitution.

Article 370 in its application granted only limited powers to the Centre in that laws could be made only in respect of Foreign Affairs, Communication and Defence. The Article also provides for protection of State subjects. In legal terms the following excerpts from Article 370 are noteworthy.

1. The power of Parliament to make Laws shall be limited to -
 - (i) those matters .. which in consultation with the government of the State are declared by the President to correspond to matters specified in the Instrument of Accession.
 - (ii) such other matters... as with the concurrence of the government of the State, the President may by order specify.

Provide further that no order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of the government.

Article 370 has generated major controversies since its very inception. In the present circumstances whether Article 370 is retained or scrapped is of little relevance. It is obvious, however, that the whole relationship between Centre and the States requires revision. In these circumstances Article 370 or other similar provisions like 371 and the sixth schedule of our constitution may be automatically revised.

The following points should be noted in regard to the Instrument of Accession.

- The plebiscite question and Article 370 of our constitution has no connection with the validity of Accession.
- Accession was final but not without conditions laid down by the Maharaja in Articles 7 and 8 of the Instrument of Accession.
- From December 1964 onwards a series of constitutional amendments were effected which eroded Article 370 greatly. Articles 356 and 357 of the Constitution were made applicable to J&K now. These amendments enabled the Centre to assume

the government of the state and exercise legislative powers; these articles thus enabled the Centre to institute President's Rule in the state. The nomenclatures of 'Sadr-e-Riyasat' was changed to Governor and was now to be nominated by the centre.

The prime minister of J&K was now to be named 'Chief Minister' like in any other state of the Union. Moreover, now four Kashmiri representatives in the Lok Sabha (Lower House of the Indian Parliament), who had been hitherto nominated by the State Legislative Assembly, were to be elected directly by the people of the State. Thus Article 370 was gradually eroded over a period of time and the hue and cry against Article 370 has little relevance today.

PLEBISCITE

Question of plebiscite arose from the commitment Lord Mountbatten made on behalf of the Government of India on 27 October 1947 in reply to Maharaja Hari Singh's letter sent with the proposals of the Instrument of Accession. Relevant points of Mountbatten's reply are reproduced below.

"In special circumstances mentioned by your Highness my Government has decided to accept the accession of Kashmir state to the Dominion of India. Consistently with their policy that, in case of any state where the issue of accession should be decided in accordance with the wishes of the people of the State, it is my government's wish that, as soon as law and order have been restored in Kashmir and her soil cleared of the invader, the question of the state's accession should be settled by a reference to the people."

It should be noted, that the word plebiscite or

self-determination was not used in this communication. Nehru however made many statements in this regard (quoted earlier). He talked of a UN supervised plebiscite on the floor of the Parliament also.

"In order to establish our 'bonafides' we have suggested that when the people are given the chance to decide their future, this should be done under the supervision of an impartial tribunal such as the United Nations Organisation. The issue in Kashmir is whether violence and naked force should decide the future or the will of the people."*

India did commit itself to holding a UN supervised plebiscite as per UN Security Council resolutions (13 August 1948 - Part III) and UNCIP Resolution 5 January 1949, Para 1, 2 and 3 subject to conditions laid down in Part II Truce Agreement A of the UN resolution of 13 August 1948. The main conditions on which India accepted the UNCIP resolution in 1948 should however also be noted :

- Assurance by UNCIP that Pakistan would be excluded from all affairs of Jammu and Kashmir.
- Azad J & K would not be recognised.
- Sovereignty of J & K government over the entire territory shall not be brought into question.
- Pakistani troops would be withdrawn from all parts of J & K.

The main conditions of UNCIP resolution for plebiscite were never fulfilled by Pakistan; in fact they fought shy of 'plebiscite' because they feared it would carry the whole of J & K to India. Later India allowed the matters to drift and finally discarded the idea of the plebiscite as the following statements made by Mr Krishna Menon and Mr MC Chagla in the Security Council, at different times, clearly indicate.

In January 1957 Mr Krishna Menon stated the following in the Security Council (763th meeting) regarding the plebiscite:

"If an offer is made and it is not accepted at the time it is made, it cannot be held for generations over the heads of those who made it."

In 1964 Mr MC Chagla stated in the Security Council (1088th meeting 5 February 1964) "I wish to make it clear on behalf of my government that under no circumstances can we agree to the holding of a plebiscite in Kashmir."

Pakistan's insistence on self-determination as the basic condition of Indo-Pak talks on J & K issues are really not relevant after several decades and two wars over J & K. Pakistan ofcourse never recognised J & K's accession to India. In Mr Liaqat Ali's words it was a fraud. He said :

"We do not recognise this accession. The accession of Kashmir to India is a fraud, perpetrated on the people of Kashmir by its cowardly ruler with the aggressive help of the Indian government."

**LETTER OF 26 OCTOBER 1947, FROM MAHARAJA
SIR HARI SINGH TO LORD MOUNTBATTEN,
REQUESTING THE ACCESSION OF THE STATE TO
INDIA**

My dear Lord Mountbatten,

I have to inform Your Excellency that a grave emergency has arisen in my State and request the immediate assistance of your Government. As Your Excellency is aware, the State of Jammu and Kashmir has not acceded to either the Dominion of India or Pakistan. Geographically my State is contiguous with both of them. Besides, my State has a common boundary with the Union of Soviet Socialist Republics and with China. In their external relations the Dominions of India and Pakistan cannot ignore this fact. I wanted to take time to decide to which Dominion I should accede or whether it is not in the best interests of both the Dominions and of my State to stand independent, of course with friendly and cordial relations with both. I accordingly approached the Dominions of India and Pakistan to enter in to a standstill agreement with my State. The Pakistan Government accepted this arrangement. The Dominion of India desired further discussion with representatives of my Government. I could not arrange this in view of the developments indicated below. In fact the Pakistan Government under the standstill agreement is operating the post and telegraph system inside the State. Though we have got a standstill agreement with the Pakistan Government, that Government permitted a steady and increasing strangulation of supplies like food, salt and petrol to my State.

Afridis, soldiers in plain clothes, and desperadoes with modern weapons have been allowed to infiltrate into the State, at first in the Poonch area, then from Sialkot and finally in a mass in the area adjoining Hazara district on the Ramkote side. The result has been that the limited number of troops at the disposal of the State had to be dispersed and

thus had to face the enemy at several points simultaneously, so that it has become difficult to stop the wanton destruction of life and property and the looting of the Mahura power house, which supplies electric current to the whole of Srinagar and which has been burnt. The number of women who have been kidnapped and raped makes my heart bleed. The wild forces thus let loose on the State are marching on with the aim of capturing Srinagar, the summer capital of my Government, as a first step to overrunning the whole State. The mass infiltration of tribesmen drawn from distant areas of the North-West Frontier Province, coming regularly in motor trucks, using the Mansehra-Mazaffarabad road and fully armed with up-to-date weapons, cannot possibly be done without the knowledge of the Provincial Government of the North-West Frontier Province and the Government of Pakistan. In spite of repeated appeals made by my Government no attempt has been made to check these raiders or to stop them from coming into my State. In fact, both the radio and the Press of Pakistan have reported these occurrences. The Pakistan radio even put out the story that a provisional government has been set up in Kashmir. The people of my State, both Muslims and non-Muslims, generally have taken no part at all.

With the conditions obtaining at present in my State and the great emergency of the situation as it exists, I have no option but to ask for help from the Indian Dominion. Naturally they cannot send the help asked for by me without my State acceding to the Dominion of India. I have accordingly decided to do so, and I attach the instrument of accession for acceptance by your Government. The other alternative is to leave my State and the people to free-booters. On this basis no civilised Government can exist or be maintained. This alternative I will never allow to happen so long as I am the ruler of the State and I have life to defend my country. I may also inform Your Excellency's Government that it is my intention at once to set up an interim government and to ask Sheikh Abdullah to carry the responsibilities in this emergency with my Prime Minister.

If my State is to be saved, immediate assistance must be available at Srinagar. Mr VP Menon is fully aware of the gravity of the situation and will explain it to you, if further explanation is needed.

In haste and with kindest regards,

Yours sincerely,

Hari Singh.

INSTRUMENT OF ACCESSION OF JAMMU AND KASHMIR STATE

The following is the text of the Instrument of Accession executed by the Ruler of Jammu and Kashmir State on 26 October 1947.

Whereas the Indian Independence Act, 1947, provides that as from the fifteenth day of August 1947, there shall be set up an independent Dominion known as India, and that the Government of India Act, 1935, shall, with such omissions, additions, adaptations and modifications as the Governor-General may be by order specify be applicable to the Dominion of India; And whereas the Government India Act, 1935, as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof :

Now, therefore,

I, Shriman Indar Mahandar Rajrajeshwar Maharajadhiraj Shri Hari Singhji, Jammu Kashmir Naresh Tatha Tibbet adi Deshadhipathi, Ruler of Jammu and Kashmir State, in the exercise of my sovereignty in and over my said State Do hereby execute this my Instrument of Accession and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession, but subject always to the terms thereof, and for the purpose only of the Dominion, exercise in relation to the State of Jammu and Kashmir (hereinafter referred to as "this State") such functions as may be vested in them by or Under the Government of India Act, 1935, as in force in the Dominion of India on the 15th day of August 1947 (which Act as so in force is hereafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor- General and the Ruler of this state whereby any function in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by me by an Instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorising the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purposes of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such

future constitution.

8. Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

9. I hereby declare that I execute this Instrument of behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this twenty-sixth day of October, nineteen hundred and forty-seven.

Hari Singh Maharajadhiraj of Jammu and Kashmir State

**ACCEPTANCE OF INSTRUMENT OF ACCESSION OF
JAMMU & KASHMIR STATE BY THE
GOVERNOR-GENERAL OF INDIA**

I do hereby accept this Instrument of Accession. Dated this twenty-seventh day of October, nineteen hundred and forty-seven.

Mountbatten of Burma Governor-General of India.

APPENDIX 'E'

**THE RESOLUTION OF THE
UNITED NATIONS SECURITY
COUNCIL OF AUGUST
13, 1948**

The United Nations Commission for India and Pakistan, having given careful consideration to the points of view expressed by the representatives of India and Pakistan regarding the situation in the state of Jammu and Kashmir; and —

Being of the opinion that the prompt cessation of hostilities and the correction of conditions of the continuance of which is likely to endanger international peace and security are essential to implementation of its endeavors to assist the Government of India and Pakistan in affecting a final settlement of the situation;

Resolves to submit simultaneously to the Governments of India and Pakistan the following proposals :

PART I : CEASE-FIRE ORDER

(A) The Government of India and Pakistan agree that their respective High Commands will issue separately and simultaneously a cease-fire order to apply to all forces under their control in the state of Jammu and Kashmir as of the earliest practicable date or dates to be mutually agreed upon within four days after these proposals have been accepted by both Governments.

(B) The High Commands of the Indian and Pakistani forces agree to refrain from taking any measures that might

augment the military potential of the forces under their control in the State of Jammu and Kashmir. (For the purpose of these proposals forces under their control shall be considered to include all forces organised and unorganised, fighting or participating in hostilities on their respective sides).

(C) The Commanders-in-Chief of the forces of India and Pakistan shall promptly confer regarding any necessary local changes in present dispositions which may facilitate the cease-fire.

(D) In its discretion and as the Commission may find practicable, the Commission will appoint military observers who, under the authority of the Commission and with the co-operation of both Commands, will supervise the observance of the cease-fire.

(E) The Government of India and the Government of Pakistan agree to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiation.

PART II : TRUCE AGREEMENT

Simultaneously with the acceptance of the proposal for the immediate cessation of hostilities as outlined in Part I, both Governments accept the following principles as a basis for the formulation of a truce agreement, the details of which shall be worked out in discussion between their representatives and the Commission.

A

1. As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from the state.

2. The Government of Pakistan will use its best

endeavor to secure the withdrawal from the state of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting.

3. Pending a final solution, the territory evacuated by the Pakistani troops will be administered by the local authorities under the surveillance of the Commission.

B

1. When the Commission shall have notified the Governments of India and Pakistan that the tribesmen and Pakistani National referred to in Part II, A, 2 hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the state of Jammu and Kashmir, and further that the Pakistani forces are being withdrawn from the state of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of its forces from that state in stages to be agreed upon with the Commission.

2. Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain the lines existing the moment of the cease-fire the minimum strength of its forces which in agreement with the Commission are considered necessary to assist local authorities in the observance of law and order. The Commission will have observers stationed where it deems necessary.

The Government of India will undertake to ensure that the Government of the State of Jammu and Kashmir will take all measures within its power to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed.

C

Upon signature, the full text of the truce agreement a communique containing the principles thereof as agreed upon between the two Governments and the Commission, will be made public.

PART III

The Government of India and the Government of Pakistan re-affirm their wish that the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the truce agreement, both Government agree to enter into consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured.

U.N.C.I.P. RESOLUTION OF JANUARY 5, 1949

The United Nations Commission for India and Pakistan, having received from the Governments of India and Pakistan, in communications dated December 23 and December 25, 1948, respectively, their acceptance of the following principles which are supplementary to the Commission's resolution of August 13, 1948 :

1) The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite.

2) A plebiscite will be held when it shall be found by the Commission that the cease-fire and truce arrangements set forth in Parts I and II of the Commission's resolution of August 13, 1948, have been carried out and arrangements for the plebiscite have been completed.

3) (a) The Secretary-General of the United Nations will, in agreement with the Commission, nominate a Plebiscite Administrator who shall be a personality of high international standing and commanding general confidence. He will be formally appointed to office by the Government of Jammu and Kashmir.

(b) The Plebiscite Administrator shall derive from the State of Jammu and Kashmir the powers he considers necessary for organizing and conducting the plebiscite and for ensuring the freedom and impartiality of the plebiscite.

(c) The Plebiscite Administrator shall have authority to appoint such staff of assistants and observers as he may require.

4) (a) After implementation of Parts I and II of the Commission's resolution of August 13, 1948, and when the

Commission is satisfied that peaceful conditions have been restored in the State, the Commission and the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and State armed forces, such disposal to be with due regard to the security of the State and the freedom of the plebiscite;

(b) As regards the territory referred to in A-2 of Part II of the resolution of August 13, final disposal of the armed forces in that territory will be determined by the Commission and the Plebiscite Administrator in consultation with the local authorities.

5) All civil and military authorities within the State and the principal political elements of the State will be required to co-operate with the Plebiscite Administrator in the preparation for the holding of the plebiscite.

6) (a) All citizens of the State who have left it on account of the disturbances will be invited and be free to return and to exercise all their rights as such citizens. For the purpose of facilitating repatriation there shall be appointed two Commissions, one composed of nominees of India and the other of nominees of Pakistan. The Commissions shall operate under the direction of the Plebiscite Administrator. The Governments of India and Pakistan and all authorities within the State of Jammu and Kashmir will collaborate with the Plebiscite Administrator in putting this provision into effect.

(b) All persons (other than citizens of the State) who on or since August 15, 1947, have entered it for other than lawful purpose, shall be required to leave the State.

7) All authorities within the State of Jammu and Kashmir will undertake to ensure, in collaboration with the Plebiscite Administrator, that :

(a) There is no threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite;

(b) No restrictions are placed on legitimate political activity throughout the State. All subjects of the State, regardless of creed, caste, or party, shall be safe and free in expressing their views and in voting on the question of the accession of the State to India or Pakistan. There shall be freedom of the press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit;

(c) All political prisoners are released;

(d) Minorities in all parts of the State are accorded adequate protection; and

(e) There is no victimization.

8) The Plebiscite Administrator may refer to the United Nations Commission for India and Pakistan problems on which he may require assistance, and the Commission may in its discretion call upon the Plebiscite Administrator to carry out on its behalf any of the responsibilities with which it has been entrusted.

9) At the conclusion of the plebiscite, the Plebiscite Administrator shall report the result thereof to the Commission and to the Government of Jammu and Kashmir. The Commission shall then certify to the Security Council whether the plebiscite has or has not been free and impartial.

10) Upon the signature of the truce agreement the details of the foregoing proposals will be elaborated in the consultations envisaged in part III of the Commission's resolution of August 13, 1948. The Plebiscite Administrator will be fully associated in these consultations;

Commends the Governments of India and Pakistan for their prompt action in ordering a cease-fire to take effect from one minute before midnight of January 1, 1949, pursuant to the agreement arrived at as provided for by the Commission's resolution of August 13, 1948, and by the foregoing principles.

APPENDIX 'F'

AGREEMENT BETWEEN MILITARY REPRESENTATIVES OF INDIA AND PAKISTAN REGARDING THE ESTABLISHMENT OF A CEASEFIRE LINE IN THE STATE OF JAMMU AND KASHMIR

1. INTRODUCTION

A. The military representatives of India and Pakistan met together in Karachi from 18 July to 27 July 1949, under the auspices of the Truce Sub-Committee of the United Nations Commission for India and Pakistan.

B. The members of the Indian delegation were : Lieutenant General S.M. Shrinagesh, Major General K.S. Thimayya, Brigadier S.H.F.J. Manekshaw. As observers : Mr. H.M. Patel, Mr. V. Sahay.

C. The members of the Pakistan delegation were : Major General W.J. Cawthorn, Major General Nazir Ahmad, Brigadier M. Sher Khan. As observers : Mr. M. Ayub, Mr. A.A. Khan.

D. The members of the Truce Sub-Committee of the United Nations Commission for India and Pakistan were : Mr. Hemando Samper (Colombia), Chairman; Mr. William L.S. Williams (United States); Lieutenant General Maurice Delvoie, Military Advisor; Mr. Miguel A. Marin, Legal Advisor.

II. AGREEMENT

A. Considering :

1. That the United Nations Commission for India and Pakistan, in its letter dated 2 July 1949 (annex 25), invited the Government of India and Pakistan to send fully authorized military representatives to meet jointly in Karachi under the auspices of the Commission's Truce Sub-committee to establish a ceasefire line in the State of Jammu and Kashmir, mutually agreed upon by the Governments of India and Pakistan;

2. That the United Nations Commission for India and Pakistan in its letter stated that "The meetings will be for military purposes; political issues will not be considered," and that "They will be conducted without prejudice to negotiations concerning the truce agreement";

3. That in the same letter the United Nations Commission for India and Pakistan further stated that : "The ceasefire line is a complement of the suspension of hostilities, which falls within the provisions of Part I of the resolution of 13 August 1948, and can be considered separately from the questions relating to part II of the same resolution;"

4. That the Governments of India and Pakistan, in their letters dated 7 July 1949, to the Chairman of the Commission, accepted the Commission's invitation to the military conference in Karachi.

B. The delegations of India and Pakistan, duly authorized, have reached the following agreement :

1. Under the provisions of Part I of the resolution of 13 August 1948, and as a complement of the suspension of hostilities in the State of Jammu and Kashmir on 1 January 1949, a ceasefire line is established.

2. The ceasefire line runs from Manawar in the south, north to Keran and from Karan east to the glacier area, as follows :

(a) The line from Manawar to the south bank of the Jhelum River at Urusa (inclusive to India) is the line now defined by the factual positions about which there is agreement between both parties. Where there has hitherto not been agreement, the line shall be as follows:

(i) In Patrana area; Kohel (inclusive to Pakistan) north along the Khuwala Kas Nullah up to Point 2276 (inclusive to India), thence to Kimi (inclusive to India).

(ii) Khambha, Pir Satwan, Point 3150 and Point 3606 are inclusive to India, thence the line runs to the factual position at Bagla Gala, thence to the factual position at Point 3300.

(iii) In the south of Uri the positions of Pir Kanthi and Ledi Gali are inclusive to Pakistan.

(b) From the north bank of the Jhelum River the line runs from a point opposite the village of Urusa (NL 972109), thence north following the Ballaseth Da Nar Nullah (inclusive to Pakistan), up to NL 973140, thence northeast to Choota Qazinag (Point 10657, inclusive to India), thence to NM 010180, thence to NM 037210, thence to Point 11825 (NM 025354, inclusive to Pakistan), thence to Tutmari Gali (to be shared by both sides, posts to be established 500 yards, on either side of the Gali), thence to the northwest through the first "R" of Burji Nar to north of Gadori, thence straight west to just north of Point 9870, thence along the black line north of Bijidhar to north of Batarasi, thence to just south of Sudpura, thence due north to the Kathaqazinag Nullah, thence along the Nullah to its junction with

the Grangnar Nullah, thence along the latter Nullah to Kajnwala Pathra (inclusive to India), thence across the Danna ridge (following the factual positions) to Richmar Gali (inclusive to India), thence north to Thanda Katha Nullah, thence north to the Kishanganga River. The line then follows the Kishanganga River up to a point situated between Jargi and Tarban, thence (all inclusive to Pakistan) to Bankoran, thence northeast to Khori, thence to the hill feature 8930 (in Square 9053), thence straight north to Point 10164 (in Square 9057), thence to point 10323 (in Square 9161), thence northeast straight to Guthur, thence to Bhutpathra, thence to NL 980707, thence following the Bugina Nullah to the junction with the Kishanganga River at Point 4739. Thereafter the line follows the Kishanganga River to Keran and onwards to Point 4996 (NL 975818).

- (c) From Point 4996 the line follows (all inclusive to Pakistan) the Jamgar Nullah eastward to Point 12124, to Katware, to Point 6678, then to the northeast to Sarian (Point 11279), to Point 11837, to Point 13090, to Point 12641, thence east again to Point 11142, thence to Dhakki, thence to Point 11415, thence to Point 10301, thence to Point 7507, thence to Point 10685, thence to Point 8388, thence southeast to Point 11812. Thence the line runs (all inclusive to India) to Point 13220, thence across the River to the east to Point 13449 (Durmat), thence to Point 14586 (Anzbari), thence to Point 13554, thence to Milestone 45 on the Burzil Nullah, thence to the east to Ziankal (Point 12909), thence to the southeast to Point 11114, thence to Point 12216, thence to Point 12867, thence to the east to Point 11264, thence to Karo (Point 14985), thence to Point 14014, thence to Point 12089, thence following the track to Point 12879. From there the

line runs to Point 13647 (Karobal Gali, to be shared by both sides). The ceasefire line runs thence through Retagah Chhish (Point 15316), thence through Point 15889, thence through Point 17392, thence through Point 16458, thence to Marpo La (to be shared by both sides), thence through Point 17561, thence through Point 17352, thence through Point 18400, thence through Point 16760, thence to (inclusive to India), Dalunang.

- (d) From Dalunang eastwards the ceasefire line will follow the general line Point 15495, Ishmam, Manus, Gangam Gunderman, Point 13620, Junkar (Point 17628), Marmak, Natsara, Shangruti (Point 17531), Chorbati La (Point 16700), Chalunka (on the Shyok River), Khor, thence north to the glaciers. This portion of the ceasefire line shall be demarcated in detail on the basis of the factual position as of 27 July 1949 by the local commanders, assisted by United Nations Military Observers.

C. The ceasefire line described above shall be drawn on a one-inch map (where available) and then be verified mutually on the ground by local commanders on each side with the assistance of the United Nations Military Observers, so as to eliminate any no-man's land. In the event that the local commanders are unable to reach agreement, the matter shall be referred to the Commission's Military Advisor, whose decision shall be final. After this verification, the Military Advisor will issue to each High Command a map on which will be marked the definitive ceasefire line.

D. No troops shall be stationed or operate in the area of the Burzil Nullah from south of Minimarg to the ceasefire line. This area is bounded on the west by the ridge leading northeast from Dudgaikal to Point 13071, to Point 9497, to Point 13466, to Point 13463, and on the east by the ridge running from Point 12470, to Point 11608, to Point 13004,

to Point 13976, to Point 13450. Pakistan may, however, post troops on the western of the above ridges to cover the approaches to Kamri Bal Pass.

E. In any dispositions that may be adopted in consequence to the present agreement troops will remain at least 500 yards from the ceasefire line except where the Kishanganaga River constitutes the line. Points which have been shown as inclusive to one party may be occupied by that party, but the troops of the other party shall remain at a distance of 500 yards.

F. Both sides shall be free to adjust their defensive positions behind the ceasefire line as determined in paragraphs A through E, inclusive, subject to no wire or mines being used when new bunkers and defences are constructed. There shall be no increase of forces or strengthening of defences in areas where no major adjustments are involved by the determination of the ceasefire line.

G. The action permitted by paragraph F above shall not be accompanied or accomplished by the introduction of additional military potential by either side into the State of Jammu and Kashmir.

H. Except as modified by paragraphs A to G, inclusive, above, the military agreements between the two High Commands relating to the ceasefire of 1 January 1949 shall continue to remain operative.

I. The United Nations Commission for India and Pakistan will station Observers where it deems necessary.

J. The delegations shall refer this agreement to their respective Governments for ratification. The documents of ratification shall be deposited with the United Nations Commission for India and Pakistan not later than 31 July 1949.

K. A period of thirty days from the date of ratification shall be allowed to each side to vacate the areas at present occupied by them beyond the ceasefire line as now determined. Before the expiration of this thirty-day period there shall be no forward movement into areas to be taken over by either side pursuant to this agreement, except by mutual agreement between local commanders.

In faith whereof the undersigned sign this document in three original copies.

Done in Karachi on 27 July 1949.

For the Government of India :

(Signed) S.M. SHRINAGESH

For the Government of Pakistan :

(Signed) J. CAWTHORN

Major General

For the United Nations Commission for India and Pakistan:

(Signed) Hemando SAMPER

M. DELVOIE

APPENDIX 'G'

VARIOUS UN RESOLUTIONS ON J & K 1948-1971

**Resolutions of the Security Council on the
India-Pakistan Question, 17 January 1948 to 2nd
December 1957**

1. 38(1948). RESOLUTION OF 17 JANUARY 1948 (S/651)

The Security Council,

Having heard statements on the situation in Kashmir from representatives of the Governments of India and Pakistan,

Recognising the urgency of the situation,

Taking note of the telegram addressed on 6 January 1948 by its President to each of the parties¹ and of their replies thereto², in which they affirmed their intention to conform to the Charter of the United Nations,

1. Calls upon both the Government of India and the Government of Pakistan to take immediately all measures within their power (including public appeals to their people) calculated to improve the situation, and to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation;

2. Further requests each of those Governments to inform the Council immediately of any material change in the situation which occurs or appears to either of them to be about to occur while the matter is under consideration by the Council, and consult with the Council thereon.

Adopted at the 229th meeting by 9 votes
to none, with 2 abstentions
(Ukrainian Soviet Socialist Republic,
Union of Soviet Socialist Republic).

17 January 1948

1. RDSC, 1948, p.1.

2. RESOLUTION 39 ADOPTED BY THE SECURITY COUNCIL AT ITS 230TH MEETING, 20 JANUARY 1948 (S/654)

(Original text : English)

The Security Council,

Considering that it may investigate any dispute or any situation which might by its continuance, endanger the maintenance of international peace and security; that, in the existing state of affairs between India and Pakistan, such an investigation is a matter of urgency,

Adopts the following resolution :

A. A Commission of the Security Council is hereby established, composed of representatives of three members of the United Nations, one to be selected by India, one to be selected by Pakistan, and the third to be designated by the two so selected.

Each representative on the Commission shall be entitled to select his alternates and assistants.

B. The Commission shall proceed to the spot as quickly as possible. It shall act under the authority of the Security Council and in accordance with the direction it may receive from it. It shall keep the Security Council currently informed of its activities and of the development of the situation. It shall report to the Security Council regularly, submitting its conclusions and proposals.

C. The Commission is invested with a dual function :

(1) To investigate the facts pursuant to Article 34 of the Charter;

(2) To exercise, without interrupting the work of the Security Council, any mediatory influence likely to smooth

away difficulties; to carry out the directions given to it by the Security Council; and to report how far the advice and directions, if any, of the Security Council, have been carried out.

D. The Commission shall perform the functions described in Clause C:

(1) In regard to the situation in the Jammu and Kashmir State set out in the letter of the representative of India addressed to the President of the Security Council, dated 1 January 1948, and in the letter from the Minister of Foreign Affairs of Pakistan addressed to the Secretary General, dated 15 January 1948; and

(2) In regard to other situations set out in the letter from the Minister of Foreign Affairs of Pakistan addressed to the Secretary-General, dated 15 January 1948, when the Security Council so directs.

E. The Commission shall take its decision by majority vote. It may allocate among its members, alternate members, their assistants, and its personnel such duties as may have to be fulfilled for the realisation of its mission and the reaching of its conclusions.

F. The Commission, its members, alternate members, their assistants and its personnel shall be entitled to journey, separately or together, wherever the necessities of their tasks may require, and, in particular, within those territories which are the theatre of the events of which the Security Council is seized.

G. The Secretary-General of the United Nations shall furnish the Commission with such personnel and assistance as it may consider necessary.

20 January 1948

3. 47(1948). RESOLUTION OF 21 APRIL 1948 (S/726)

The Security Council,

Having considered the complaint of the Government of India concerning the dispute over the State of Jammu and Kashmir,

Having heard the representative of India in support of that complaint and the reply and counter-complaints of the representative of Pakistan,

Being strongly of the opinion that the early restoration of peace and order in Jammu and Kashmir is essential and that India and Pakistan should do their utmost to bring about a cessation of all fighting,

Noting with satisfaction that both India and Pakistan desire that the question of the accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite,

Considering that the continuation of the dispute is likely to endanger international peace and security.

Reaffirms its resolution 38 (1948) of 17 January 1948;

Resolves that the membership of the Commission established by its resolution 39 (1948) of 20 January 1948 shall be increased to five and shall include, in addition to the membership mentioned in that resolution, representatives of and, and that if the membership of the Commission has not been completed within ten days from the date of the adoption of this resolution the President of the Council may designate such other Member or Members of the United Nations as are required to complete the membership of five;

Instructs the Commission to proceed at once to the Indian subcontinent and there place its good offices and

mediation at the disposal of the Governments of India and Pakistan with a view to facilitating the taking of the necessary measures, both with respect to the restoration of peace and order and to the holding of plebiscite, by the two Governments, acting in cooperation with one another and with the Commission, and further instructs the Commission to keep the Council informed of the action taken under the resolution; and, to this end,

Recommends to the Governments of India and Pakistan the following measures as those which in the opinion of the Council are appropriate to bring about a cessation of the fighting and to create proper conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan :

A. Restoration of peace and order

1. The Government of Pakistan should undertake to use its best endeavours :

(a) To secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting, and to prevent any intrusion into the State of such elements and any furnishing of material aid to those fighting in the State;

(b) To make known to all concerned that the measures indicated in this and the following paragraphs provide full freedom to all subjects of the State, regardless of creed, caste, or party, to express their views and to vote on the question of the accession of the State, and that therefore they should co-operate in the maintenance of peace and order.

2. *The Government of India should :*

(a) When it is established to the satisfaction of the Commission set up in accordance with the Council's resolution 39 (1948) that the tribesmen are withdrawing and that arrangements for the cessation of the fighting have become effective, put into operation in consultation with the Commission a plan for withdrawing their own forces from Jammu

and Kashmir and reducing them progressively to the minimum strength required for the support of the civil power in the maintenance of law and order;

(b) Make known that the withdrawal is taking place in stages and announce the completion of each stage;

(c) When the Indian forces have been reduced to the minimum strength mentioned in (a) above, arrange in consultation with the Commission for the stationing of the remaining forces to be carried out in accordance with the following principles :

(i) That the presence of troops should not afford any intimidation or appearance of intimidation to the inhabitants of the State;

(ii) That as small a number as possible should be retained in forward areas;

(iii) That any reserve of troops which may be included in the total strength should be located within their present base area.

3. The Government of India should agree that until such time as the Plebiscite Administration referred to below finds it necessary to exercise the powers of direction and supervision over the State forces and police provided for in paragraph 8, they will be held in areas to be agreed upon with the Plebiscite Administrator.

4. After the plan referred to in paragraph 2(a) above has been put into operation, personnel recruited locally in each district should so far as possible be utilised for the re-establishment and maintenance of law and order with due regard to protection of minorities, subject such additional requirements as may be specified by the Plebiscite Administration to in paragraph 7.

5. If these local forces should be found to be inadequate, the Commission, subject to the agreement of both the Government of India and the Government of Pakistan, should arrange for the use of such forces of either Dominion

as it deems effective for the purpose of pacification.

B. Plebiscite

6. The Government of India should undertake to ensure that the Government of the State invite the major political groups to designate responsible representatives to share equitably and fully in the conduct of the administration at the ministerial level while the plebiscite is being prepared and carried out.

7. The Government of India should undertake that there will be established in Jammu and Kashmir a Plebiscite Administration to hold a plebiscite as soon as possible on the question of the accession of the State to India or Pakistan.

8. The Government of India should undertake that there will be delegated by the State to the Plebiscite Administration such powers as the latter considers necessary for holding a fair and impartial plebiscite including, for that purpose only, the direction and supervision of the State forces and police.

9. The Government of India should, at the request of the Plebiscite Administration, make available from the Indian forces such assistance as the Plebiscite Administration may require for the performance of its functions.

10. (a) The Government of India should agree that a nominee of the Secretary-General of the United Nations will be appointed to be the Plebiscite Administrator.

(b) The Plebiscite Administrator, acting as an officer of the State of Jammu and Kashmir, should have authority to nominate his assistants and other subordinates and to draft regulations governing the plebiscite. Such nominees should be formally appointed and such draft regulations should be

formally promulgated by the State of Jammu and Kashmir.

(c) The Government of India should undertake that the Government of Jammu and Kashmir will appoint fully qualified persons nominated by the Plebiscite Administrator to act as special magistrates within the State judicial system to hear cases which in the opinion of the Plebiscite Administrator have a serious bearing on the preparation for the conduct of a free and impartial plebiscite.

(d) The terms of service of the Administrator should form the subject of a separate negotiation between the Secretary-General of the United Nations and the Government of India. The Administrator should fix the terms of service for his assistants and subordinates.

(e) The Administrator should have the right to communicate directly with the Government of the State and with the Commission of the Security Council and, through the Commission, with the Security Council, with the Governments of India and Pakistan and with their representative with the Commission. It would be his duty to bring to the notice of any or all the foregoing (as he in his discretion may decide) any circumstances arising which may tend, in his opinion, to interfere with the freedom of the plebiscite.

11. The Government of India should undertake to prevent, and to give full support to the Administrator and his staff in preventing, any threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite, and the Government of India should publicly announce and should cause the Government of the State to announce this undertaking as an international obligation binding on all public authorities and officials in Jammu and Kashmir.

12. The Government of India should themselves and through the Government of the State declare and make

known that all subjects of the State of Jammu and Kashmir, regardless of creed, caste or party, will be safe and free in expressing their views, and in voting on the question of the accession of the State and that there will be freedom of the press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit.

13. The Government of India should use and should ensure that the Government of the State also use their best endeavours to effect the withdrawal from the State of all Indian nationals other than those who are normally resident therein or who on or since 15 August 1947 have entered it for a lawful purpose.

14. The Government of India should ensure that the Government of the State release all political prisoners and take all possible steps so that :

(a) All citizens of the State who have left it on account of disturbances are invited, and are free, to return to their homes and to exercise their rights as such citizens;

(b) There is no victimisation;

(c) Minorities in all parts of the State are accorded adequate protection.

15. The Commission of the Security Council should at the end of the plebiscite certify to the Council whether the plebiscite has or has not been really free and impartial.

C. General provisions

16. The Governments of India and Pakistan should each be invited to nominate a representative to be attached to the Commission for such assistance as it may require in the performance of its task.

17. The Commission should establish in Jammu and Kashmir such observers as it may require in the performance of its task.

17. The Commission should establish in Jammu and Kashmir such observers as it may require of any of the proceedings in pursuance of the measures indicated in the foregoing paragraphs.

18. The Security Council Commission should carry out the task assigned to it herein.

Adopted at the 286th meeting.¹

The five members of the United Nations Commission for India and Pakistan were : Czechoslovakia (nominated by India on 10 February 1948); Belgium and Colombia (appointed by the Council on 23 April 1948. Argentina (nominated by Pakistan on 30 April 1948); United States of America (designated by the President of the Council on 7 May 1948, in the absence of agreement between Argentina and Czechoslovakia on the member to be designated by them)

21 April 1948

4. 51 (1948), RESOLUTION OF 3 JUNE 1948 (S/819)

The Security Council

1. Reaffirms its resolutions 38 (1948) of 17 January, 39 (1948) of 20 January and 47 (1948) of 21 April 1948;

2. Directs the United Nations Commission for India and Pakistan to proceed without delay to the areas of dispute with a view to accomplishing in priority the duties assigned to it by resolution 47 (1948) :

3. Directs the Commission further to study and report to the Security Council when it considers it appropriate on

1. The draft resolution was voted on paragraph by paragraph. No vote was taken on the text as a whole.

4. RDSC, 1948, pp. 8-9.

the matters raised in the letter of the Foreign Minister of Pakistan, dated 15 January 1948,¹ in the order outlined in paragraph D of Council resolution 39 (1948).

Adopted at the 312th meeting by 8 votes to none, with 3 abstentions (China, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics).

3 June 1948

5. 80 (195). RESOLUTION OF 14 MARCH 1950 (S/1469)

The Security Council,

Having received and noted the reports² of the United Nations Commissions for India and Pakistan established by its resolutions 39 (1948) of 20 January and 47 (1948) of 21 April 1948,

Having also received and noted the report of General A.G.L. McNaughton³ on the outcome of his discussions with the representatives of India and Pakistan which were initiated in pursuance of the decision taken by the Security Council on 17 December 1949,⁴

Commending the Governments of India and Pakistan for their statesmanlike action in reaching the agreements embodied in the United Nations Commission's resolution of

1. See Official Records of the Security Council, Third Year, Supplement for November 1948, Document S/1100, annex 6.

5. RDSC, 1950, pp. 1-3.

2. Official Records of the Security Council, Third Year, Supplement for November 1948, Document S/1100; *ibid.*, Fourth Year, Supplement for January 1949, Document S/1196; and *ibid.*, Fourth Year, Special Supplement No. 7.

3. *Ibid.*, Fifth Year, Supplement for 1 January through 31 May 1950, Document S/1453.

4. *Ibid.*, Fourth Year, Resolutions and Decisions of the Security Council, 1949, p. 7.

13 August 1984¹ and 5 January 1949² for a cease-fire, for the demilitarisation of the State of Jammu and Kashmir and for the determination of its final disposition in accordance with the will of the people through the democratic method of a free and impartial plebiscite, and commending the parties in particular for their action in partially implementing these resolutions by (1) the cessation of hostilities effected 1 January 1949, (2) the establishment of a cease-fire line on 27 July 1949, and (3) the agreement that Fleet Admiral Chester W. Nimitz shall be Plebiscite Administrator,

Considering that the resolution of the outstanding difficulties should be based upon the substantial measure of agreement on fundamental principles already reached, and that steps should be taken forthwith for the demilitarisation of the State and for the expeditious determination of its future in accordance with the freely expressed will of the inhabitants,

1. Calls upon the Governments of India and Pakistan to make immediate arrangements, without prejudice to their rights or claims and with due regard to the requirements of law and order, to prepare and execute within a period of five months from the date of this resolution a programme of demilitarisation on the basis of the principles of paragraph 2 of General McNaughton's proposal³ or of such modifications of those principles as may be mutually agreed;

2. Decides to appoint a United Nations Representative for the following purposes who shall have authority to perform his functions in such place or places as he may deem appropriate :

1. Ibid., Third Year, Supplement for November 1948, Document S/1100, para 75.

2. Ibid., Fourth Year, Supplement for January 1949, Document S/1196, para 15.

3. Ibid., Fifth Year, Supplement for January through 31 May 1950, Document S/1453, p. 14.

(a) To assist in the preparation and to supervise the implementation of the programme of demilitarisation referred to above and to interpret the agreements reached by the parties for demilitarisation;

(b) To place himself at the disposal of the Governments of India and Pakistan and to place before those Governments or the Security Council any suggestions which, in his opinion, are likely to contribute to the expeditious and enduring solution of the dispute which has arisen between two Governments in regard to the State of Jammu and Kashmir;

(c) To exercise all of the powers and responsibilities devolving upon the United Nations Commission for India and Pakistan by reason of existing resolutions of the Security Council and by reason of the agreement of the parties embodied in the resolutions of the United Nations Commission of 13 August 1948¹ and 5 January 1949²,

(d) To arrange at the appropriate stage of demilitarisation for the assumption by the Plebiscite Administrator of the functions assigned to the latter under agreements made between the parties;

(e) To report to the Security Council as he may consider necessary, submitting his conclusions and any recommendations which he may desire to make;

3. Request the two Governments to take all necessary precautions to ensure that their agreements regarding the cease-fire shall continue to be faithfully observed, and calls upon them to take all possible measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of further negotiations;

1. Ibid., Third Year, Supplement for November 1948, Document S/110, para. 75.

2. Ibid., Fourth Year, Supplement for January 1949, Document S/1196, para. 15.

4. Extends its best thanks to the members of the United Nations Commission for India and Pakistan and to General A.G.L. McNaughton for their arduous and fruitful labours;

5. Agrees that the United Nations Commission for India and Pakistan shall be terminated, and decides that this shall take place one month after both parties have informed the United Nations Representative of their acceptance of the transfer to him of the powers and responsibilities of the United Nations Commission referred to in paragraph 2 (c) above.

Adopted at the 470th meeting by 8 votes to none, with 2 abstentions (India, Yugoslavia).¹

14 March 1950

6. 91 (1951). RESOLUTION OF 30 MARCH 1951 (S/2017/REV. 1)

The Security Council,

Having received and noted the report of Sir Owen Dixon, the United Nations Representative for India and Pakistan,² on his mission initiated by Security Council resolution 80 (1950) of 14 March 1950,

Observing that the Government of India and Pakistan have accepted the provisions of the United Nations Commission for India and Pakistan resolutions of 13 August 1948³ and 5 January 1949⁴ and have reaffirmed their desire that the future of the State of Kashmir shall be decided

1. One member (Union of Soviet Socialist Republics) was absent.

6. RIDSC, 1951, pp.1-4.

2. See Official Records of the Security Council, Fifth Year, Supplement for September through December 1950, Document S/1791 and Add. 1.

3. Ibid., Third Year, Supplement for November 1948, Document S/1100, para. 75.

4. Ibid., Fourth Year, Supplement for January 1949, Document S/1196, para. 15.

through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations,

Observing that on 27 October 1950 the General Council of the 'All Jammu and Kashmir National Conference' adopted a resolution recommending the convening of a constituent assembly for the purpose of determining the 'future shape and affiliations of the State of Jammu and Kashmir'; observing further from statements of responsible authorities that action is proposed to convene such a constituent assembly and that the area from which such a constituent assembly would be elected is only a part of the whole territory of Jammu and Kashmir,

Reminding the Governments and authorities concerned of the principle embodied in its resolutions 47 (1948) of 21 April 1948, 51 (1948) of 3 June 1948 and 80 (1950) of 14 March 1950 and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations,

Affirming that the convening of a constituent assembly as recommended by the General Council of the 'All Jammu and Kashmir National Conference' and any action that assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the above principle,

Declaring its belief that it is the duty of the Security Council in carrying out its primary responsibility for the maintenance of international peace and security to aid the parties to reach an amicable solution of the Kashmir dispute and that a prompt settlement of this dispute is of vital

importance to the maintenance of international peace and security.

Observing from Sir Owen Dixon's report that the main points of difference preventing agreement between the parties were :

(a) The procedure for and the extent of demilitarisation of the State preparatory to the holding of a plebiscite, and

(b) The degree of control over the exercise of the functions of government in the State necessary to ensure a free and fair plebiscite,

1. Accepts, in compliance with his request, Sir Owen Dixon's resignation and expresses its gratitude to Sir Owen for the great ability and devotion with which he carried out his mission;

2. Decides to appoint a United Nations Representative for India and Pakistan in succession to Sir Owen Dixon;

3. Instructs the United Nations Representative to proceed to the subcontinent and, after consultation with the Governments of India and Pakistan, to effect the demilitarisation of the State of Jammu and Kashmir on the basis of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949;

4. Calls upon the parties to co-operate with the United Nations Representative to the fullest degree in effecting the demilitarisation of the State of Jammu and Kashmir;

5. Instructs the United Nations Representative to report to the Security Council within three months from the date of his arrival on the subcontinent; if, at the time of this report, he has not effected demilitarisation in accordance with paragraph 3 above, or obtained the agreement of the parties to a plan for effecting such demilitarisation, the United Nations Representative shall report to the Security

Council those points of difference between the parties in regard to the interpretation and execution of the agreed resolutions of 13 August 1948 and 5 January 1949 which he considers must be resolved to enable such demilitarisation to be carried out;

6. Calls upon the parties, in the event of their discussions with the United Nations Representative failing in his opinion to result in full agreement, to accept arbitration upon all outstanding points of difference reported by the United Nations Representative in accordance with paragraph 5 above, such arbitration to be carried out by an arbitrator, or a panel of arbitrators, to be appointed by the President of the International Court of Justice after consultation with the parties;

7. Decides that the military observer group shall continue to supervise the cease-fire in the State;

8. Requests the Governments of India and Pakistan to ensure that their agreement regarding the cease-fire shall continue to be faithfully observed and calls upon them to take all possible measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of further negotiations and to refrain from any action likely to prejudice a just and peaceful settlement;

9. Requests the Secretary-General to provide the United Nations Representative for India and Pakistan with such services and facilities as may be necessary in carrying out the terms of this resolution.

Adopted at the 539th meeting by 8 votes to none, with 3 abstentions (India, Union of Soviet Socialist Republics, Yugoslavia).

30 March 1951

7. 96 (1951). RESOLUTION OF 10 NOVEMBER 1951 (S/2392)

The Security Council,

Having received and noted the report of Mr Frank Graham, the United Nations Representative for India and Pakistan¹ on his mission initiated by Security Council resolution 91 (1951) of 30 March 1951, and having heard Mr Graham's address to the Council on 18 October 1951,²

Noting with approval the basis for a programme of demilitarisation which could be carried out in conformity with the previous undertakings of the parties, put forward by the United Nations Representative in his communication of 7 September 1951 to the Prime Ministers of India and Pakistan,³

1. Notes with gratification the declared agreement of the two parties to those parts of Mr Graham's proposals which reaffirm determination to work for a peaceful settlement, their will to observe the cease-fire agreement and their acceptance of the principle that the accession of the State of Jammu and Kashmir should be determined by a free and impartial plebiscite under the auspices of the United Nations.

2. Instructs the United Nations Representative to continue his efforts to obtain agreement of the parties on a plan for effecting the demilitarisation of the State of Jammu and Kashmir;

3. Calls upon the parties to co-operate with the United Nations Representative to the fullest degree in his efforts to resolve the outstanding points of difference between them;

7. RDSC, 1951, pp.5-6.

1. Official Records of the Security Council, Sixth Year, Special Supplement No.2 Document S/2375.

2. Ibid., Sixth Year, 564th meeting.

3. Ibid, Sixth Year, Special Supplement No. 2, Document S/2375, annex 1

4. Instructs the United Nations Representative to report to the Security Council on his efforts, together with his views concerning the problems confided to him, not later than six weeks after this resolution comes into effect.

Adopted at the 566th meeting by 9 votes to none, with 2 abstentions (India, Union of Soviet Socialist Republics).

10 November 1951

8. 98 (1952). RESOLUTION OF 23 DECEMBER 1952 (S/2883)

The Security Council,

Recalling its resolution 91 (1951) of 30 March 1951, its decision of 30 April 1951 and its resolution 96 (1951) of 10 November 1951,

Further recalling the provisions of the United Nations Commission for India and Pakistan resolutions of 13 August 1948¹ and 5 January 1949² which were accepted by the Governments of India and Pakistan and which provided that the question of the accession of the State of Jammu and Kashmir to India or Pakistan would be decided through the democratic method of a free and impartial plebiscite conducted under the auspices and the United Nations,

Having received the third report, dated 22 April 1952³, and the fourth report, dated 16 September 1952⁴, of the United Nations Representative for India and Pakistan,

1. Endorses the general principles on which the United

8. RDSC, 1952, pp. 1-2.

1. Ibid, Seventh Year, Special Supplement No. 2, Document S/2611 and corr. 1.

2. Ibid., Document S/2783 and Corr. 1.

3. Ibid., annex 1.

Nations Representative has sought to bring about agreement between the Governments of India and Pakistan;

2. Notes with gratification that the United Nations Representative has reported that the Governments of India and Pakistan have accepted all but two of the paragraphs of his twelve-point proposals;⁵

3. Notes that agreement on a plan of demilitarisation of the State of Jammu and Kashmir has not been reached because the Governments of India and Pakistan have not agreed on the whole of paragraph 7 of the twelve-point proposals;

4. Urges the Governments of India and Pakistan to enter into immediate negotiations under the auspices of the United Nations Representative for India and Pakistan in order to reach agreement on the specific number of forces to remain on each side of the cease-fire line at the end of the period of demilitarisation, this number to be between 3,000 and 6,000 armed forces remaining on the Pakistan side of the cease-fire line and between 12,000 and 18,000 armed forces remaining on the India side of the cease-fire line, as suggested by the United Nations Representative in his proposals of 16 July 1952¹, such specific numbers to be arrived at bearing in mind the principles or criteria contained in paragraph 7 of the United Nations Representative's proposal of 4 September 1952,²

5. Records its gratitude to the United Nations Representative for India and Pakistan for the great efforts which he has made to achieve a settlement and requests him to continue to make his services available to the Governments of India and Pakistan to this end;

5. RDSC, 1952, pp. 1-2.

1. See Official Records of the Security Council, Third Year, Supplement for November, 1948, Document S/1110, para. 75.

2. Ibid., Fourth Year, Supplement for January 1949, Document S/1196, para. 15.

6. Requests the Governments of India and Pakistan to report to the Security Council not later than thirty days from the date of the adoption of this resolution;

7. Requests the United Nations Representative for India and Pakistan to keep the Security Council informed of any progress.

Adopted at the 611th meeting by 9 votes to none, with 1 abstention (Union of Soviet Socialist Republics).¹

23 December 1952

9. RESOLUTION ADOPTED BY THE SECURITY COUNCIL AT ITS 765TH MEETING, ON 24 JANUARY 1957, CONCERNING THE INDIA-PAKISTAN QUESTION

The Security Council,

Having heard statements from representatives of the Governments of India and Pakistan concerning the dispute over the State of Jammu and Kashmir,

Reminding the Governments and authorities concerned of the principle embodied in its resolutions of 21 April 1948 (S/726), 3 June 1948,⁴ 14 March 1950 (S/1469) and 30 March 1951 (S/2017/Rev. 1), and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 (S/1100, para. 75) and 5 January 1949 (S/1196, para. 15), that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the

1. Ibid., annex 3.

9. SCORS, January, February and March 1957, p.4.

2. Ibid., annex 8.

3. One member (Pakistan) did not participate in the voting.

4. Official Records of the General Assembly, Third Session, Supplement No.2, chap. 5,

United Nations,

1. *Reaffirms* the affirmation in its resolution of 30 March 1951 and declares that the convening of a Constituent Assembly as recommended by the General Council of the 'All Jammu and Kashmir National Conference' and any action that Assembly may have taken or might attempt to take to determine the future shape and affiliation of the entire State or any part thereof, or action by the parties concerned in support of any such action by the Assembly, would not constitute a disposition of the State in accordance with the above principles;

5. Decides to continue its consideration of the dispute.

24 January 1957

10. RESOLUTION ADOPTED BY THE SECURITY COUNCIL AT ITS 774TH MEETING ON 21 FEBRUARY 1957 CONCERNING THE INDIA-PAKISTAN QUESTION

The Security Council,

Recalling its resolution of 24 January 1957 (S/3779), its previous resolutions and the resolutions of the United Nations Commission for India and Pakistan on the India-Pakistan question,

1. *Requests* the President of the Security Council, the representative of Sweden, to examine with the Governments of India and Pakistan any proposals which, in his opinion, are likely to contribute towards the settlement of the dispute, having regard to the previous resolutions of the Security Council and of the United Nations Commission for India and Pakistan; to visit the subcontinent for this purpose; and to report to the Security Council not later than 15 April 1957;

2. *Invites* the Government of India and Pakistan to

co-operate with him in the performance of these functions;

3. *Requests* the Secretary-General and the United Nations Representative for India and Pakistan to render such assistance as he may request.

21 February 1957

11. RESOLUTION ADOPTED BY THE SECURITY COUNCIL AT ITS 808TH MEETING, ON 2 DECEMBER 1957, CONCERNING THE INDIA-PAKISTAN QUESTION

The Security Council,

Having received and noted with appreciation the report (S/3821) of Mr Gunnar V. Jarring, the representative of Sweden, on the mission undertaken by him pursuant to the Security Council resolution of 21 January 1957 (S/3793),

Expressing its *thanks* to Mr. Jarring for the care and ability with which he has carried out his mission,

Observing with appreciation the expressions made by both parties of sincere willingness to co-operate with the United Nations in finding a peaceful solution,

Observing further that the Governments of India and Pakistan recognise and accept the provisions of its resolution dated 17 January 1948¹ and of the resolutions of the United Nations Commission for India and Pakistan dated 13 August 1948 (S/1100, para. 75) and 5 January 1949 (S/1196, para. 15), which envisage in accordance with their terms the determination of the future status of the State of Jammu and Kashmir in accordance with the will of the people through the democratic method of a free and impartial plebiscite, and that Mr. Jarring felt it appropriate to explore what was impeding their full implementation,

11. SCORS. October, November, December 1957, pp. 21-2.

1. *Official Records of the General Assembly, Third Session, Supplement No. 2*, chap. 5, sect. C CC-OAgamnigam Digital Preservation Foundation, Chandigarh

Concerned over the lack of progress towards a settlement of the dispute which his report manifests,

Considering the importance which it has attached to the demilitarisation of the State of Jammu and Kashmir as one of the steps toward a settlement,

Recalling its previous resolutions and the resolutions of the United Nations Commission for India and Pakistan on the India-Pakistan question,

1. *Requests* the Government of India and the Government of Pakistan to refrain from making any statement and from doing or causing to be done or permitting any acts which might aggravate the situation and to appeal to their respective people to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations;

2. *Requests* the United Nations representative for India and Pakistan to make any recommendations to the parties for further appropriate action with a view to making progress toward the implementation of the resolution of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949 and toward a peaceful settlement;

3. *Authorizes* the United Nations representative to visit the subcontinent for these purposes;

4. *Instructs* the United Nations representative to report to the Security Council on his efforts as soon as possible.

2 December 1957

1. Resolution 210 (1965) of 6 September 1965

The Security Council,

Noting the report of the Secretary-General, on developments in the situation in Kashmir since the adoption of Security Council Resolution 209 (1965) on 4 September 1965 calling for a ceasefire,

Noting with deep concern the extension of the fighting which adds immeasurably to the seriousness of the situation.

1. *Calls upon the parties to cease hostilities in the entire area of conflict immediately, and promptly withdraw all armed personnel to the positions held by them before 5 August 1965;*

2. *Requests the Secretary-General to exert every possible effort to give effect to the present resolution and to resolution 209 (1965), to take all measures possible to strengthen the United Nations Military Observer Group in India and Pakistan, and to keep the Council promptly and currently informed on the implementation of the resolutions and on the situation in the area:*

3. *Decides to keep this issue under urgent and continuous review so that the council may determine what further steps may be necessary to secure peace and security in the area.*

Adopted unanimously at the
1238th meeting.

2. Resolution 211 (1965) of 20 September 1965

The Security Council,

having considered the reports of the Secretary-General on his consultations with the Governments of India and Pakistan.

Commending the Secretary-General for his unrelenting efforts in furtherance of the objectives of Security Council resolutions 209 (1965) and 210 (1965) of 4 and 6 September 1965.

Having heard the statements of the representatives of India and Pakistan,

Noting the differing replies by the parties to an appeal for a ceasefire as set out in the report of the Secretary-General, but noting further with concern that no cease-fire has yet come into being.

Convinced that an early cessation of hostilities is essential as a first step towards a peaceful settlement of the outstanding differences between the two countries on Kashmir and other related matters.

1. *Demands* that a cease-fire should take effect on Wednesday, 22 September 1965, at 0700 hours GMT, and calls upon both Governments to issue orders for a cease-fire at that moment and a subsequent withdrawal of all armed personnel to the positions held by them before 5 August 1965;

2. *Requests* the Secretary-General to provide the necessary assistance to ensure supervision of the cease-fire and the withdrawal of all armed personnel;

3. *Calls on all States* to refrain from any action which might aggravate the situation in the area;

Decides to consider, as soon as paragraph 1 of Council resolution 210 (1965) has been implemented, what steps could be taken to assist towards a settlement of the political problem underlying the present conflict, and in the meantime calls on the two Governments to utilize all peaceful means, including those listed in Article 33 of the Charter of the United Nations, to this end;

5. *Requests* the Secretary-General to exert every possible effort to give effect to the present resolution, to seek a peaceful solution, and to report to the Security Council there on.

Adopted at the 1242nd meeting by
10 votes to none, with 1 abstention
(Jordan).

Decision

At the 1244th meeting, on 22 September 1965, the President made the following statement on behalf of the Council :

'We note, of course, the report of the Secretary-General. We have heard the statements of the Minister for Foreign Affairs of Pakistan and the representative of India. The Council expresses its satisfaction that the cease-fire demanded in its resolution 211 (91965) of 20 September 1965 has been accepted by the two parties and calls upon the Governments concerned to implement their adherence to the cease-fire call as rapidly as possible and in any case not later than 2200 hours GMT on 22 September 1965'.

3. Resolution 214 (1965) of 27 September 1965

The Security Council,

Noting the reports of the Secretary-General,

Reaffirming its resolutions 209 (1965) of 4 September, 210 (1965) of 6 September and 211 (1965) of 20 September 1965,

Expressing its grave concern that the cease-fire agreed to unconditionally by the Governments of India and Pakistan is not holding.

Recalling that the cease-fire demand in the Council's resolutions was unanimously endorsed by the Council and agreed to by the Governments of both India and Pakistan,

Demands that the parties urgently honour their commitments to the Council to observe the cease-fire, and

further calls upon the parties promptly to withdraw all armed personnel as necessary steps in the full implementation of resolution 211 (1965).

Adopted at the 1245th meeting.

Decision

At its 1248th meeting, on 27th October 1965, the Council, pursuant to its invitation to the representatives of India and Pakistan to participate, without vote, in the discussion of the question, decided, in the absence of the representative of India, to invite the representative of Pakistan to take a seat at the Council table, it being understood that the representatives of India was invited to take a seat at the Council table at any time if he so wished.

4. Resolution 215 (1965) of 5 November 1965

The Security Council

Regretting the delay in the full achievement of a complete and effective cease-fire and a prompt withdrawal of armed personnel to the positions held by them before 5 August 1965, as called for in its resolutions 209 (1965) of 4 September, 210 (1965) of 6 September, 211 (1965) of 20 September and 214 (1965) of 27 September 1965.

1. *Reaffirms* its resolution 211 (1965) in all its parts;

2. *Requests* the Governments of India and Pakistan to cooperate towards a full implementation of paragraph 1 of resolution 211 (1965); calls upon them to instruct their armed personnel to co-operate with the United Nations and cease all military activity; and insists that there be an end to violations of the cease-fire;

3. *Demands* the prompt and unconditional execution

of the proposal already agreed to in principle by the Governments of India and Pakistan that their representatives meet with a suitable representative of the Secretary-General, to be appointed without delay after consultation with both parties, for the purpose of formulating an agreed plan and schedule for the withdrawals by both parties; urges that such a meeting take place as soon as possible and that such a plan contain a time-limit on its implementation; and requests the Secretary-General to report on the progress achieved in this respect within three weeks of the adoption of the present resolution;

4. *Requests* the Secretary-General to submit for its consideration as soon as possible a report on compliance with the present resolution.

Adopted at the 1251st meetings by
9 votes to none, with 2 abstentions
(Jordan, Union of Soviet Socialist
Republics)

4 September 1965 to 5 November 1965

5. THE SECURITY COUNCIL RESOLUTION ON CEASE-FIRE, 22 DECEMBER 1971

The Security Council

Having discussed the grave situation in the subcontinent which remains a threat to international peace and security.

Noting the General Assembly resolution 2793 (XXVI) of 7 December 1971,

Noting the reply of the Government of Pakistan on 9 December 1971,

Noting the reply of the Government of India on 12

December 1971,

Having heard statements of the Deputy Prime Minister of Pakistan and the Foreign Minister of India,

Noting further the statement made at the 1617th meeting of the Security Council by the Foreign Minister of India containing a unilateral declaration of a cease-fire in the western theatre,

Noting Pakistan's agreements to ceasefire in the western theatre with effect from 17 December 1971,

Noting that consequently a cease-fire and a cessation of hostilities prevail,

1. *Demands* that a durable cease-fire and cessation of all hostilities in all areas of conflict be strictly observed and remain in effect until withdrawals take place, as soon as practicable, of all armed forces to their respective territories and to positions which fully respect the cease-fire line in Jammu and Kashmir supervised by the United Nations Military Observation Group for India and Pakistan;

2. *Calls upon* all Member States to refrain from any action which aggravate the situation in the subcontinent or endanger international peace;

3. *Calls upon* all those concerned to take all measures necessary to preserve human life and for the observance of the Geneva Conventions of 1949 and to apply in full their provisions as regards the protection of the wounded and the sick, the prisoners of war and civilian population;

4. *Calls for* international assistance in the relief of suffering and the rehabilitation of the refugees and their return in safety and dignity to their homes and for the full co-operation with the Secretary-General to that effect;

5. *Authorizes* the Secretary-General to appoint if necessary a Special Representative to lend his good offices for the solution of humanitarian problems;

6. *Requests* the Secretary-General to keep the Council informed without delay on the developments relating to the implementation of this resolution;

7. *Decides* to remain seized of the matter and to keep it under active consideration;

22 December 1971

APPENDIX 'H'

**PROCLAMATION OF WAR OF
LIBERATION
OF GIBRALTAR 1965**

The Revolutionary Council of Kashmir proclaims :

Brave Kashmiris,

ARISE for now is the time.

We have suffered long enough under the oppressive and treacherous rule of impostors and enemy agents.

Long enough have we allowed the traitors, to further the enemy designs.

REMEMBER that a Hindu despot who ruled over us, in utter disregard of the wishes of the people, sold us to India in 1947. This was the second sale of our land through a fraudulent and ignoble deed which brought the might of the cursed Indian Army into our beautiful and peaceful land.

BETRAYED though we were, we fought the enemy on every inch of our sacred soil. And we should have won but for the intervention of the United Nations who obtained an undertaking from India that we will exercise our inalienable right of self determination under a free and fair plebiscite.

The United Nations was duped and so was the whole world. India dishonoured her international pledge shamelessly and with utter contempt for world opinion.

She played for time to occupy our land. Since then every day that has passed has been a day of misery and every night

a night of crime. You know what acts of cruelty, sacrilege and barbarity the enemy has been perpetrating under the shadow of guns and bayonets.

For years our great leaders SHEIK MOHAMMAD ABDULLAH and MIRZA AFZAL BEG have been languishing in Indian prisons but their determination to throw off the yoke of Indian Imperialism remains unflagging.

We have seen our children butchered but every drop of their blood has illumined the path of our struggle.

Our women were dishonoured but in their agony they sanctified the course of our freedom.

Our brave fighters lost their lives but their dying calls stirred the hearts of their compatriots.

The will of our people remains unbroken; their united might unshaken.

The enemy is on the run. We will not rest content till we have chased him out of our land.

The time has come for us to deliver the final blow and hereby we take a solemn pledge to take up arms once again and continue the fight till :

- (a) The usurpers are expelled out of our land;
- (b) Our leaders now in jail are freed; and
- (c) The will of the people is allowed to determine the future of our land.

The Revolutionary Council which consists of patriots of unimpeachable integrity and men of unswerving faith, has set up today the National Government of the People of JAMMU and KASHMIR which decries as here under :

From TODAY :

- (a) All alleged treaties and agreements between the

imperialist Government of India and Kashmir stand annulled and are no longer binding on us.

- (b) The National Government of JAMMU and KASHMIR formed by the Revolutionary Council of KASHMIR is the sole lawful authority in our land.
- (c) Only the National Government will be legally competent to receive taxes and public dues from the people of the state;
- (d) Any KASHMIRI national who wilfully cooperates with the Indian Government or their puppet administration in occupied KASHMIR will be treated as traitor and dealt with as such;
- (e) Every national of the state of JAMMU and KASHMIR who may be employed either by the imperialist Indian Government or its puppet administration, in civil or military capacity, shall support the freedom movement of the Revolutionary Council in every possible way;
- (f) The National Government will issue orders and decrees on the KASHMIR National Radio representing the 'Voice of KASHMIR';
- (g) Any national of KASHMIR who impedes the freedom movement or disobeys any order or decree of the National Government will be dealt with as a traitor.

The Revolutionary Council appeals to the world to support this freedom movement.

Now is the time for countries who have pledged themselves to help all freedom movements against imperialism to come to our assistance.

We have nothing against the people of India but their Governments have established a record of treachery and dishonesty in the world. We expect all sane and freedom-loving elements in India and particularly the brave Sikhs, the South Indians and the Rajputs who have always given us moral support to lend us active assistance,

The people of Pakistan have stood by us in our fight. To our regret they have not done as much as we expected of them. Now is the time for them too to join us in our struggle for life and liberty.

Let the nations of the world remember that if we go down the light of freedom will be extinguished for ever.

And above all, you the people of KASHMIR, you are the ones who are on trial. You are the ones who must win this war for the sake of coming generations, for the sake of freedom and for the sake of the glory of your motherland.

Arise : now or there will be no tomorrow :

Issued by the Revolutionary Council of KASHMIR

SADI KASHMIR PRESS, SRINAGAR

IMPORTANT INGREDIENTS OF OP GIBRALTAR 1965

The important ingredients of *Op Gibraltar* in 1965 which are given below would make it obvious that these tactics are still being followed by the insurgents in 1993-94, their source being the same.

- Destruction of bridges and disruption of lines of communications;
- Raids on ammunition and supply dumps;
- Attacks on formation and unit Headquarters;
- Ambushing of convoys and patrols;
- Distribution of arms and ammunition to local civilians across the Cease Fire Line and enrolling them as Razakars;
- Creation of situations which would paralyse the J & K administration and encourage an open rebellion in the state.

APPENDIX 'I'

TASHKENT DECLARATION, 10 JANUARY 1966

The Prime Minister of India and the President of Pakistan having met at Tashkent and having discussed the existing relations between India and Pakistan, hereby declare their firm resolve to restore normal and peaceful relations between their countries and to promote understanding and friendly relations between their peoples. They consider the attainment of these objectives of vital importance for the welfare of the 600 million people of India and Pakistan.

I

The Prime Minister of India and the President of Pakistan agree that both sides will exert all efforts to create good neighbourly relations between India and Pakistan in accordance with the United Nations Charter. They reaffirm their obligation under the Charter not to have recourse to force and to settle their disputes through peaceful means. They considered that the interests of peace in their region and particularly in the Indo- Pakistan subcontinent and, indeed, the interests of the peoples of India and Pakistan were not served by the continuance of tension between the two countries. It was against this background that Jammu and Kashmir was discussed, and each of the sides set forth its respective position.

II

The Prime Minister of India and the President of Pakistan have agreed that all armed personnel of the two countries shall be withdrawn not later than 25 February 1966 to the positions they held prior to 5 August 1965, and both sides shall observe the cease-fire terms on the cease-fire line.

III

The Prime Minister of India and the President of Pakistan have agreed that relations between India and Pakistan shall be based on the principle of non-interference in the internal affairs of each other.

IV

The Prime Minister of India and the President of Pakistan have agreed that both sides will discourage any propaganda directed against the other country, and will encourage propaganda which promotes the development of friendly relations between the two countries.

V

The Prime Minister of India and the President of Pakistan have agreed that the High Commissioner of India to Pakistan and the High Commissioner of Pakistan to India will return to their posts and that the normal functioning of diplomatic missions of both countries will be restored. Both Governments shall observe the Vienna Convention of 1961 on Diplomatic Intercourse.

VI

The Prime Minister of India and the President of Pakistan have agreed to consider measures towards the restoration of economic and trade relations, communications, as well as cultural exchanges between India and Pakistan, and to take measures to implement the existing agreements between India and Pakistan.

VII

The Prime Minister of India and the President of Pakistan have agreed that they give instructions to their respective authorities to carry out the repatriation of the prisoners of war.

VIII

The Prime Minister of India and the President of Pakistan have agreed that both the sides will continue the discus-

sion of questions relating to the problems of refugees and evictions/illegal immigrations. They also agreed that both sides will create conditions which will prevent the exodus of people. They further agreed to discuss the return of the property and assets taken over by either side in connection with the conflict.

IX

The Prime Minister of India and the President of Pakistan have agreed that the sides will continue meetings both at the highest and at other levels on matters of direct concern to both countries. Both sides have recognized the need to set up joint Indian-Pakistani bodies which will report to their Governments in order to decide what further steps should be taken.

The Prime Minister of India and the President of Pakistan record their feelings of deep appreciation and gratitude to the leaders of the Soviet Union, the Soviet Government and personally to the Chairman of the Council of Ministers of the U.S.S.R. for their constructive, friendly and noble part in bringing about the present meeting which has resulted in mutually satisfactory results. They also express to the Government and friendly people of Uzbekistan their sincere thankfulness for their overwhelming reception and generous hospitality.

They invite the Chairman of the Council of Ministers of the U.S.S.R. to witness this Declaration.

10 January 1966

APPENDIX 'J'

SHIMLA AGREEMENT 3 July 1972

AGREEMENT OF BILATERAL RELATIONS BETWEEN THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF PAKISTAN

1. The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations, and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the sub-continent, so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their peoples.

In order to achieve this objective, the Government of India and the Government of Pakistan agreed as follows :

1. That the principles and purposes of the charter of the United Nations shall govern and relations between the two countries.

2. That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries neither side shall unilaterally alter the situation and both shall prevent the organisation, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations.

3. That the prerequisite for reconciliation, good neighbourliness and durable peace between them is commitment by both the countries to peaceful co-existence, respect for

each other's territorial integrity and sovereignty and non-interference in each other's internal affairs, on the basis of equality and mutual benefits.

4. That the basic issues and causes of conflicts which have bedevilled the relations between the two countries for the last twenty-five years shall be resolved by peaceful means.

5. That they shall always respect each other's national unity, territorial integrity, political independence and sovereign equality.

6. That in accordance with the charter of the United Nations they will refrain from threat or use of force against the territorial integrity, political independence of each other.

(II) Both Governments will take all steps within their power to prevent hostile propaganda directed against each other. Both countries will encourage the dissemination of such information as would promote the development of friendly solution between them.

(III) In order progressively to restore and normalise relations between the two countries step by step it was agreed:

(a) Steps shall be taken to resume communications, postal telegraphic, sea, land including border posts and air links including over-flights.

(b) Appropriate steps shall be taken to promote travel facilities, for the nationals of other country.

(c) Trade and co-operation in economic and other agreed fields will be resumed as far as possible.

(d) Exchange in the fields of science and culture will be promoted.

(IV) In order to initiate the process of the establishment of durable peace, both the Governments agreed that:

- (i) Indian and Pakistani forces shall be withdrawn to their side of the international border.
- (ii) In Jammu and Kashmir, the line of control resulting from the ceasefire of December 17, 1971 shall be respected by either side. Neither side shall seek to alter it immediately, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or the use of force in violation of this line.
- (iii) The withdrawals shall commence upon entry into force of this agreement and shall be completed within a period of thirty days.

5. This agreement shall be subject to satisfaction by both countries in accordance with their respective constitutional procedures, and will come into force with effect from the date which the instruments of ratification are exchanged.

6. Both Governments agree that their respective heads will meet again at a mutually convenient time in the future and that, in the meanwhile, the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalisation of relations, including the questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.

Indira Gandhi
Prime Minister Republic of India

Zulfikar Ali Bhutto
President Pakistan

3 July 1972

APPENDIX 'K'

TEXT OF KASHMIR ACCORD (FEBRUARY 1975)

Agreed conclusions which led to Sheikh Mohammad Abdullah's accord with Mrs Indira Gandhi, Prime Minister, and his subsequent assumption of offices as Chief Minister in February 1975.

1) The state of Jammu and Kashmir which is a constituent unit of the Union of India, shall, in its relation with the Union, continue to be governed by Article 370 of the constitution of India.

2) The residuary powers of legislation shall remain with the State; however, Parliament will continue to have power to make laws relating to the prevention of activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about cession of a part of the territory of India or secession of a part of the territory of India from the Union or causing insult of the Indian National Flag, the Indian National Anthem and the Constitution.

3) Where any provision of the Constitution of India had been applied to the State of Jammu and Kashmir with adaptations and modifications, such adaptations and modifications can be altered or repealed by an order of the President under Article 370, each individual proposal in this behalf being considered on its merits; but provisions of the Constitution of India already applied to the State of Jammu and Kashmir without adaptation or modification are unalterable.

4) With a view to assuring freedom to the State of Jammu and Kashmir to have its own legislation on matters

like welfare measures, cultural matters, social security, personal law and procedural laws, in a manner suited to the special conditions in the State, it is agreed that the State Government can review the laws made by Parliament or extended to the State after 1953 on any matter relatable to the Concurrent List and may decide which of them, in its opinion, needs amendment or repeal. Thereafter, appropriate steps may be taken under Article 254 of the Constitution of India. The grant of President's assent to such legislation would be sympathetically considered. The same approach would be adopted in regard to laws to be made by Parliament in future under the Proviso to Clause 2 of the Article. The State Government shall be consulted regarding the application of any such law to the State and the views of the State Government shall receive the fullest consideration.

5) As an arrangement reciprocal to what has been provided under Article 368, a suitable modification of that Article as applied to the State should be made by Presidential order to the effect that no law made by the Legislature of the State of Jammu and Kashmir, seeking to make any change in or in the effect of any provision of Constitution of the State of Jammu and Kashmir relating to any of the undermentioned matters, shall take effect unless the Bill, having been reserved for the consideration of the President, receives his assent; the matters are :

- a) The appointment, powers, functions, duties, privileges and immunities of the Governor, and
- b) The following matters relating to Elections namely, the superintendence, direction and control of Elections by the Election Commission of India, eligibility for inclusion in the electoral rolls without discrimination, adult suffrage and composition of the Legislative Council, being matters specified in sections 138, 139, 140 and 50 of the Constitution of the State of Jammu and Kashmir.

6) No agreement was possible on the question of nomenclature of the Governor and the Chief Minister and the matter is therefore remitted to the Principals.

Mirza Mohammad Afzal Beg

G. Parthasarathi

New Delhi

November 13, 1974*

*This accord though signed on November 13, 1974 is referred to as the 1975 Accord
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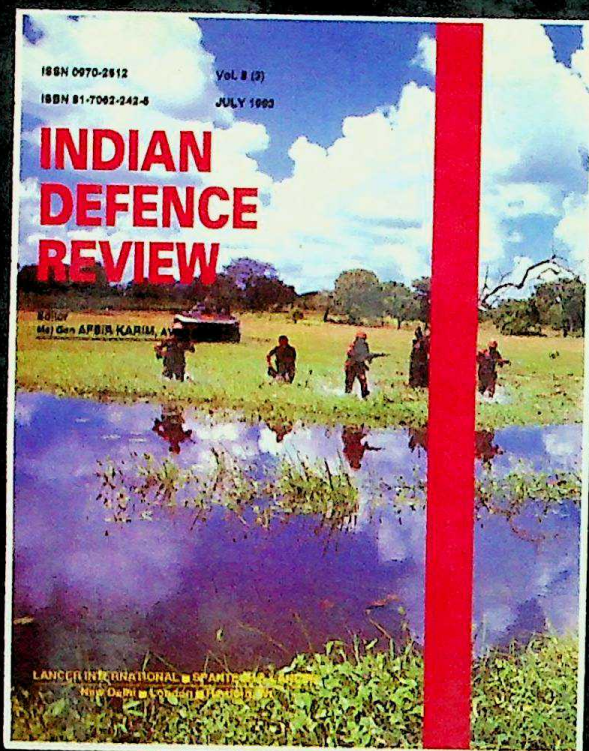
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